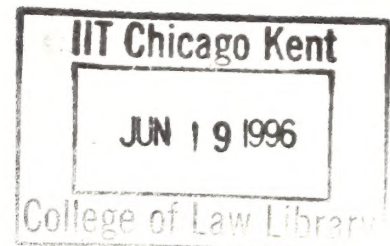


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Rules of Governmental Agencies

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Secretary of State

TABLE OF CONTENTS

June 14, 1996 Volume 20, Issue 24

PROPOSED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF Economic Dislocation And Worker Adjustment Assistance 56 Ill. Adm. Code 2625	7701
COMMERCE COMMISSION, ILLINOIS Telephone Assistance Programs 83 Ill. Adm. Code 757	7708
GAMING BOARD, ILLINOIS Riverboat Gambling 86 Ill. Adm. Code 3000	7734
NATURAL RESOURCES, DEPARTMENT OF Duck, Goose And Coot Hunting 17 Ill. Adm. Code 590	7736
RACING BOARD, ILLINOIS Claiming Races 11 Ill. Adm. Code 510	7769
REVENUE, DEPARTMENT OF Retailers' Occupation Tax 86 Ill. Adm. Code 130	7773
STUDENT ASSISTANCE COMMISSION, ILLINOIS Alternative Loan Program 23 Ill. Adm. Code 2721	7793

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Relative Home Placement 89 Ill. Adm. Code 335	7795
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF State Administration Of The Federal Community Development Block Grant Program For Small Cities 47 Ill. Adm. Code 110	7799
HUMAN RIGHTS COMMISSION Procedural Rules 56 Ill. Adm. Code 5300	7820
LEGISLATIVE TRAVEL CONTROL BOARD Travel For Legislative Employees 80 Ill. Adm. Code 2850, Repeal of	7854
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF Administration 59 Ill. Adm. Code 101	7856
NATURAL RESOURCES, DEPARTMENT OF Designation Of Restricted Waters In The State Of Illinois 17 Ill. Adm. Code 2030	7864

PROFESSIONAL REGULATION, DEPARTMENT OF

Clinical Psychologist Licensing Act	
68 Ill. Adm. Code 1400	7868
Illinois Architecture Practice Act Of 1989	
68 Ill. Adm. Code 1150	7873
Medical Practice Act Of 1987	
68 Ill. Adm. Code 1285	7888

PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children	
89 Ill. Adm. Code 112	7892
Food Stamps	
89 Ill. Adm. Code 121	7902
Hospital Services	
89 Ill. Adm. Code 148	7912
Medical Payment	
89 Ill. Adm. Code 140	7922

RACING BOARD, ILLINOIS

Charitable Funds	
11 Ill. Adm. Code 208	7941
Procedures For License Hearings	
11 Ill. Adm. Code 205	7944
Special Purse And Reward Fund	
11 Ill. Adm. Code 410, Repeal of	7947

REVENUE, DEPARTMENT OF

Freedom Of Information	
2 Ill. Adm. Code 1201	7949

SECRETARY OF STATE

Illinois Safety Responsibility Law	
92 Ill. Adm. Code 1070	7956
Regulations Under The Business Opportunity Sales Law Of 1995	
14 Ill. Adm. Code 135	7963
Regulations Under The Illinois Business Brokers Act Of 1995	
14 Ill. Adm. Code 140	7984
Regulations Under The Illinois Loan Brokers Act Of 1995	
14 Ill. Adm. Code 145	8012

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

The Administration And Operation Of The State Employees' Retirement System Of Illinois	
80 Ill. Adm. Code 1540	8033

STATE POLICE, DEPARTMENT OF

Child Sex Offender And Murderer Community Notification Law	
20 Ill. Adm. Code 1282	8037
Sex Offender Registration Act	
20 Ill. Adm. Code 1280	8045

EMERGENCY RULES

GAMING BOARD, ILLINOIS

Riverboat Gambling	
86 Ill. Adm. Code 3000	8051

STATE POLICE MERIT BOARD, DEPARTMENT OF

Procedures Of The Department Of State Police Merit Board	
80 Ill. Adm. Code 150	8062

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Alternative Loan Program	
23 Ill. Adm. Code 2721	8066

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES**

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Background Checks**

89 Ill. Adm. Code 385, Refusal8072

NOTICE OF PUBLIC INFORMATION

REVENUE, DEPARTMENT OF

Index Of Letter Rulings (1996-First Quarter) (ROT)8075

NOTICE OF CORRECTIONS TO NOTICE ONLY

CONSERVATION, DEPARTMENT OF

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting
17 Ill. Adm. Code 5308100

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received8101

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

96-236	CFIDS Awareness Day	8103
96-237	National Association of Insurance Women's Week	8103
96-238	Shared Housing Week	8104
96-239	Emergency Medical Services Week	8104
96-240	Gerald and Frances Zeigler Day	8105
96-241	Mark Dillefeld Day	8105
96-242	Week of the High Risk Child	8106
96-243	Abraham Lincoln Elementary School Week	8106
96-244	All American Day	8106
96-245	Asian American Heritage Month	8107
96-246	Electrical Safety Month	8107
96-247	Safe Boating Week	8108
96-248	Save A Life Week	8108

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Economic Dislocation and Worker Adjustment Assistance
- 2) Code Citation: 56 Ill. Adm. Code 2625
- 3) Section Numbers:
2625.40
2625.50
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Section 46.41 of the Civil Administrative Code of Illinois [20 ILCS 605/46.41] and Sections 4 and 301-317 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.40(b) and 46.42].

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the program rules for the Job Training Partnership Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 305/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

Mr. Boyd Link
Department of Commerce and Community Affairs
Bureau of Community Development
620 East Adams St., 4th Floor
Springfield, IL 62701
(217) 785-6273

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not materially affect subgrantees' ability to access these funds.
- B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.
- C) Types of professional skills necessary for compliance: JTPA administrators would already possess the necessary skills for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996
- The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2625

ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE

Section	Definitions
2625.20	Authorized Activities
2625.25	Allocation of Funds
2625.30	Title III Substate Area
2625.40	Designation of Substate Grantees
2625.50	Eligibility Requirements
2625.55	Performance Standards System
2625.60	Reallotment of Funds
2625.70	Incorporation by Reference
2625.80	

AUTHORITY: Implementing Section 46.41 of the Civil Administrative Code of Illinois [20 ILCS 605/46.41] and Sections 4 and 301-317 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.40(b) and 46.42].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 4019, effective March 13, 1989, for a maximum of 150 days; emergency expired August 10, 1989; adopted at 13 Ill. Reg. 13830, effective August 21, 1989; amended at 15 Ill. Reg. 10388, effective July 1, 1991; amended at 15 Ill. Reg. 13092, effective August 27, 1991; amended at 16 Ill. Reg. 20098, effective December 14, 1992; amended at 20 Ill. Reg. _____, effective _____.

Section 2625.40 Title III Substate Area

- a) Designation of Substate Area
- The Department on behalf of the Governor may initiate an application process for Private Industry Councils and local chief elected officials to request designation as a substate area under the Act to take effect at the start of Program Year 1989. The process for designation and redesignation of substate areas shall conform with the requirements of Section 312(a) of the Act and 54 FR 39144 (codified at 20 CFR 631.34 (April 1, 1990)) (September 22, 1989). Redesignation of substate areas shall not take place more frequently than once every two years and shall not be made later than four months before the beginning of a program year. In considering whether to initiate an application process for designation, the Department shall ensure that each Service Delivery Area (SDA) within the State is included within a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

substate area and that no SDA is divided among two or more substate areas; ensure the recommendations of the IJTCC are forwarded to the Governor's office; consider the availability of administrative funds to support the existing SDA administrative structure; and consider the capacity available in the substate areas to achieve or exceed performance standards. The IJTCC shall recommend to the Governor a map of the State identifying the geographical area to be included in each substate area. Pursuant to Section 4(c) of the Illinois Job Training Coordinating Council Act [20 ILCS 3975/4(c)] ~~that the State~~ ~~1989, Chapter 48-Par. 219.4, these recommendations shall be forwarded to the President of the Senate and Speaker of the House of Representatives, or their designees, for review and comment by the Illinois General Assembly. In addition to criteria which may be identified by the IJTCC, the IJTCC shall consider the following criteria prior to making recommendations to the Governor on designation and redesignation:~~

- 1) the availability of services throughout the State;
 - 2) the capability to coordinate the delivery of services with other human service and economic development programs;
 - 3) the geographic boundaries of labor market areas within the State;
 - 4) the adequacy of estimated available funds to support the administrative expenses of proposed substate areas;
 - 5) the potential impact of designation and redesignation decisions on the ability to maintain existing effective local relationships established for the provision of employment and training services (e.g., agreements among local chief elected officials).
- b) Petition for Redesignation - Pursuant to Section 312(a)(6) of the Act, the Department shall initiate an application process for redesignation as described in subsection (a), if a petition is filed with the Department by an entity specified in Section 312(a)(4) of the Act. ~~Petitions shall be accepted only if filed at least eighteen months before the start of the program year for which the redesignation is proposed.~~ Petitions for redesignation shall include a Consortium Membership Agreement for petitioners pursuant to Section 312(a)(4)(B) of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2625.50 Designation of Substate Grantees

- a) Transition Provisions - Provisions of this subsection shall apply to the initial designation of the substate grantee to implement the provisions of the Economic Dislocation and Worker Adjustment Assistance Act. In each substate area designated by the Governor pursuant to Section 2625.40, a substate grantee shall be designated in accordance with Section 312(b) of the Act. Pursuant to the transition provisions specified at 54 FR 39147-39148 (codified at 20 CFR

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

631.70(c) (April 1, 1990)) (September 22, 1989), the effective period of this designation shall end June 30, 1990. The chief elected officials (CEO) and the Private Industry Council (PIC) for each substate area shall recommend to the Governor an entity as substate grantee. In any case in which there are two or more units of general local government, the CEO of such units shall negotiate with the PIC in a manner consistent with the agreements established pursuant to Sections 102(d)(2) and 103(b) of the Act to arrive at a recommendation. In any case where the Governor concurs with the joint recommendation of the CEO and PIC, the Department shall forward a written agreement to the CEO and PIC for signatures to execute the agreement with the Governor. In any area where the CEO and the PIC cannot reach agreement, the CEO and PIC shall forward separate recommendations to the Governor. The Department shall distribute written instructions for the submittal of recommendations. In any case where the Governor is not in agreement with the CEO and PIC recommendation, or the CEO and PIC are not in agreement, the Department shall first attempt to negotiate a consensus recommendation. In the event a consensus recommendation cannot be reached, the Governor shall select the substate grantee. In attempting to negotiate a consensus recommendation or, in the absence of consensus, when designating the substate grantee, the Governor shall consider the following:

- 1) The degree to which the designation will contribute to the elimination of duplication of services;
 - 2) The degree to which the designation will foster coordination of services with other programs under the Act;
 - 3) The ability of the agency recommended to deliver services as evidenced by past experience in the administration of employment and training programs; and
 - 4) The degree to which the proposed designation capitalizes on the expertise of the Regional Dislocated Worker Centers established under previous statute.
- b) Eligible Agencies - Entities defined pursuant to Section 312(c) of the Act are eligible to be designated as a substate grantee.
- c) Biennial Designation - Pursuant to the requirements of Section 312(b) of the Act, a substate grantee shall be designated on a biennial basis in accordance with an agreement among the Governor, the local chief elected official or officials of the substate area and the PIC. In any case in which there are two or more units of general local government, the CEO of such units shall negotiate with the PIC in a manner consistent with the agreements established pursuant to Sections 102(d)(2) and 103(b) of the Act. Designation of the substate grantee shall be consistent with coordinated service delivery. Such coordinated service delivery arrangements shall be consistent with the statement of goals and objectives prepared by the Governor pursuant to Section 121(a)(1) of the Act and established criteria for coordinating activities under the JTPA pursuant to Section 121(b)(1) of the Act. In

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

addition, designation decisions shall take into consideration the ability of the designated agency to meet and exceed performance standards established pursuant to Section 106 of the Act. Designation decisions shall also take into account the ability of the designated agency to provide adequate administrative safeguards for the expenditure of federal funds. Such safeguards include but are not limited to procedures that meet generally accepted accounting principles that ensure compliance with the requirements of the Act, implementing federal regulations published September 22, 1989 (54 FR 39139-39148, codified at 20 CFR 631 (April 1, 1990)) and 56 Ill. Adm. Code 2630. Biennial designation of the substate grantee shall conform to the following procedures:

- 1) Performance Related - In any case where the substate grantee fails to meet performance standards promulgated by the Secretary pursuant to Section 106(c) of the Act or fails to provide adequate administrative safeguards that meet generally accepted accounting principles and ensure compliance with the requirements of the Act, implementing federal regulations published September 22, 1989 (54 FR 39139-39148, codified at 20 CFR 631 (April 1, 1990)), and State rules (56 Ill. Adm. Code 2600, 2625, and 2630), the Department shall initiate negotiations for the designation of the substate grantee. In such cases, the Department shall forward written instructions to the CEO and PIC describing procedures for negotiations. The existing substate grantee shall not be redesignated unless the following procedures are followed:

- A) The reasons for inadequate performance shall be documented and provided to the Department.
- B) A corrective action plan shall be developed and submitted to the Department. The plan shall include, as appropriate, reorganization of the substate grantee to address the reasons for inadequate performance. The plan shall describe other proposed corrective action to address inadequate performance.
- C) The JTOC shall review the documentation and proposed corrective action and make a recommendation to the Department regarding the designation.
- D) The Department shall determine that the corrective action plan has a reasonable expectation of correcting inadequate performance (i.e., corrective action to be implemented is directly related to the problem identified; corrective action is achievable within the timeframes specified; requested technical assistance can be provided within timeframe specified). If the corrective action plan is determined to be insufficient, the Department will provide recommendations to the grantee regarding corrective action or revisions to proposed corrective action to be incorporated into their plan.

- 2) Local Request for Designation - Either the CEO or the PIC may

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENT

request the Department to initiate procedures for the designation of a substate grantee. In order to allow adequate time for negotiations and transition of participants, such a request shall be made in writing twelve (12) months in advance of the biennial cycle in which the proposed redesignation is to take effect. After a request is made, the Department shall issue written instructions to the CEO and PIC regarding the conduct of negotiations to arrive at an agreement pursuant to Section 312(b) of the Act.

3) Continuing Designation - Except as provided under subsections (c)(1) and (c)(2), existing agreements shall be automatically renewed at the beginning of each biennial cycle. Unless requested by a party to the agreement, no modification to the existing agreement shall be made, and the existing agreement shall remain in effect. Modifications to the agreement shall be in writing and signed by all parties.

4) Inability to Perform - If for any reason (e.g., insolvency) the existing substate grantee is unable to fulfill its responsibilities under the Act, the Governor shall immediately initiate redesignation procedures with the CEO and PIC.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Telephone Assistance Program
- 2) Code Citation: 83 Ill. Adm. Code 757
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
757.10	Amendment
757.100	Amendment
757.105	Amendment
757.110	Amendment
757.115	Amendment
757.120	Amendment
757.125	Amendment
757.130	Amendment
757.200	Amendment
757.205	Amendment
757.210	Amendment
757.215	Amendment
757.220	Amendment
757.225	Amendment
757.230	Amendment
757.240	Amendment
757.245	Amendment
757.300	Amendment
EXHIBIT A	Amendment
EXHIBIT B	Amendment
EXHIBIT C	Amendment

4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/13-301, 13-301.1, and 10-101)

5) A. Complete Description of the Subjects and Issues Involved: On November 7, 1995, the Universal Telephone Assistance Corporation (UTAC) filed a petition with the Commission to amend 83 Ill. Adm. Code 757. Part 757 governs the administration of the Universal Telephone Service Assistance Program (UTSAP). In summary, the rule changes proposed by UTAC would permit the Commission, in its orders determining the form and amount of the supplemental assistance, to further narrow the eligibility pool a for monthly assistance program to individual Proxy Programs (or subgroups within a Proxy Program); permit small LECs (now defined as under 35,000 access lines, consistent with the amendment to 220 ILCS 5/13-504) to report expenses and remit contributions quarterly rather than monthly; eliminate use of one reporting form for small LECs; remove the requirement for a hearing on every supplemental assistance petition; permit LECs to subtract supplemental assistance, but not administrative expenses, from the voluntary contributions remitted to the pooled fund administrator; update and streamline the reporting forms; change the filing requirement for determination of the form and amount of supplemental assistance from

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

every six months to annually; and expressly authorize the Commission to apply for federal matching funds for a monthly assistance program.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: This rulemaking will affect those subject local exchange carriers that are small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures.

C) Types of professional skills necessary for compliance: Managerial and accounting skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rule is the result of a petition filed late in 1995 by UTAC. The rulemaking proceeding was not initiated by the Commission.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER F: TELEPHONE UTILITIES

PART 757
TELEPHONE ASSISTANCE PROGRAMS
SUBPART A: GENERAL PROVISIONS

Section
757.10
757.15
Definitions
Dispute Procedures
SUBPART B: LIFELINE CONNECTION ASSISTANCE PROGRAM

Section
757.100
757.105
757.110
757.115
757.120
757.125
757.130
Service Requirement
Recovery Mechanism
Publicity
Application Procedure and Processing
Filing Requirements
Eligibility
Income Certification
SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section
757.200
757.205
757.210
757.215
757.220
757.225
757.230
757.235
757.240
757.245
Service Requirement
UTSAP Funding
UTSAP Recovery
UTSAP Administrator
UTSAP Publicity
UTSAP Eligibility
UTSAP Application Procedure and Processing
UTSAP Income Certification
Recertification
UTSAP Filing Requirements
SUBPART D: STAFF LIAISON

Section
757.300
Staff Liaison

EXHIBIT A
EXHIBIT B
EXHIBIT C
EXHIBIT D
LEC Quarterly Report to Commission
Monthly LEC Waiver Costs/Contributions Form
Quarterly UTSAP Administrator Report to Commission
LESOWP Recertification Ineligibility Notice
East/Revenue Reporting

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

EXHIBIT E Telephone Assistance Programs Certification Form

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1, and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; repealed at 15 Ill. Reg. 11929, effective August 12, 1991; adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS GENERAL PROVISIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means the Public Utilities Act [220 ILCS 5] ~~411-1-Rev-Stat-1991-CH-111-2737-PUB-1-101-et-seq-7~~.

"Commission" means the Illinois Commerce Commission.

"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.

"Department" means the Illinois Department of Public Aid.

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.125 with respect to Subpart B and Section 757.225 with respect to Subpart C.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.125 with respect to Subpart B and Section 757.225 with respect to Subpart C.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LEC" means "local exchange carrier", which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act [220 ILCS 5/13-204] ~~411-1-Rev-Stat-1991-CH-111-2737-PUB-13-2047~~.

"Lifeline Connection Assistance program" or "Lifeline" means the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Lifeline Connection Assistance program established at 47 CFR 36.701 et seq. as of October 1, 1995 1990, and in which all Illinois LECs ~~584-9~~ shall participate as provided in Section 757.100.

"Local exchange service obligation" means those tariffed charges assessed on a monthly basis for access to the network. These charges do not include taxes.

"Local Exchange Service Obligation Waiver Program" or "LESOWP" means that part of the Universal Telephone Service Assistance Program described in Section 757.200(c)(2) ~~in--which--all--584-9--shall participate--under--Section--757-200-4-7~~.

"Medical card" is a card issued by the Department which certifies that the holder is a participant in a proxy program.

"NECA" means the National Exchange Carrier Association, established at 47 CFR 69.601 et seq. as of October 1, 1995 1999.

"Program" or "plan" means the telephone assistance programs in which all Illinois LECs ~~584-9~~ shall participate as provided in Sections 757.100 and 757.200.

"Proxy Program(s)" include the following assistance programs administered by the Department: Aid to Families with Dependent Children (AFDC); Aid to the Aged, Blind, and Disabled (RABD); General Assistance (GA, City of Chicago only); Refugee/Repatriate Programs (RRA); Medical Assistance (excluding medical extension cases and spend down cases); and Food Stamps.

"Staff" means individuals employed by the Illinois Commerce Commission.

"UTSAP" means the Universal Telephone Service Assistance Program in which all Illinois LECs ~~584-9~~ shall participate as provided in Section 757.200.

"UTSAP Administrator" is the Illinois Not-for-Profit Corporation responsible for the administration of the UTSAP as described in Section 757.215.

"Waiver" means any reduction in a participant's initial telephone service installation charge or local exchange service obligation in the amount established under the provisions of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART B: LIFELINE CONNECTION ASSISTANCE PROGRAM

Section 757.100 Service Requirement

- a) Within 90 days from the date this program receives Federal Communications Commission (FCC) certification, each LEC shall participate in the "Lifeline Connection Assistance" program adopted by the FCC in 47 CFR 36.701 et seq. as of October 1, 1995 1996. This incorporation does not include any later amendments or editions.
- b) As part of their participation in the program identified in subsection (a), the LECs BBE's shall implement a low income assistance program characterized by a 90% waiver, of up to \$30.00, of the initial telephone service installation charge. The waiver shall be applicable to the primary service order, central office and premise visit components of the service connection charges and shall be provided to each eligible new subscriber.
- c) In addition, the LECs BBE's shall offer any eligible new subscriber the opportunity to enter into a deferred payment arrangement for the remaining installation charges. Eligible new subscribers shall be given no less than six months to retire the remaining installation charges, and the LEC shall refrain from applying interest charges to such amounts.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.105 Recovery Mechanism

Costs incurred as a result of providing service under Section 757.100 shall be recovered in the following manner:

- a) The LECs BBE's shall recover the entire amount of the installation charge waivers provided to all eligible new subscribers from funds provided by the NECA through the Lifeline Connection Assistance program.
- b) The LECs BBE's shall recover all interest charges, up to \$200, waived as a result of deferred payment arrangements on those charges not covered by the installation waiver from funds provided by the NECA through the Lifeline Connection Assistance program.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.110 Publicity

LECs BBE's shall publicize the Program in all exchanges. Publicity shall include, but not be limited to:

- a) Periodic news releases promoting the Program employing radio, television or newspapers in each LEC's service territory. Such

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

releases shall occur once every three months during the first year of the plan, and at least once a year thereafter.

- b) Written notification of the Program to the agency directors of the Illinois Department of Public Aid, the Illinois Department on Aging, and the Illinois Department of Children and Family Services, along with a request to publicize the program.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.115 Application Procedure and Processing

- a) LECs BBE's shall be responsible for processing all Lifeline applications.
- b) Lifeline application forms shall be made available at all LEC customer service centers.
- c) Presentation of a current medical card by an applicant upon completion of the Lifeline application shall constitute proof of income eligibility. Further certification by the Department shall not be required.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.120 Filing Requirements

- a) Within 90 days after the effective date of this Part, LECs BBE's shall file with the Commission a tariff pursuant to Section 13-501 of the Act for the provision of the Lifeline 50% waiver of the subscriber installation charge as provided in Section 757.100(a).
- b) Each LEC shall maintain the data and information necessary to provide the information required in Exhibit A. Quarterly reports providing the information specified in Exhibit A shall be filed with the Chief Clerk of the Commission and the UTSAP Administrator within 30 days after each calendar quarter's end. In addition, LECs BBE's shall maintain supporting documentation in such a manner as to be able to readily identify the expenses detailed in Section D of Exhibit A in appropriate subaccounts. (See 83 Ill. Adm. Code 710.)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.125 Eligibility

- a) In order to be eligible to receive benefits under the Lifeline Connection Assistance program described in this Subpart B, an individual must:

- 1) Participate in a proxy program as defined in this Part;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) Not be a dependent for federal income tax purposes, unless the applicant is more than 60 years of age (see 26 U.S.C. 152).
- b) Benefits available under the Lifeline Connection Assistance program shall be applied to one access line only at the principal place of residence of the eligible new subscriber.
- c) Lifeline Connection Assistance program benefits shall be delivered in the name of the individual receiving assistance from one of the proxy programs defined in Section 757.10.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.130 Income Certification

- a) Upon the initiation of the Lifeline Connection Assistance program, the LECs ~~BBE's~~ shall conduct a mass mailing. Such a mailing shall include a certification card and shall be directed to those individuals receiving assistance from one of the proxy programs defined in Section 757.10. Once an individual receives the certification card, that individual shall be responsible for:
- 1) Completion of the certification card; and
 - 2) Return of the certification card to the relevant LEC within 90 days from the date of the card's issuance.
- b) On an ongoing basis, certification of eligibility shall be determined in the following manner:
- 1) Where customer service centers exist, certification of eligibility shall be determined by the LEC. In such instances, presentation of a current medical card by the applicant shall be sufficient to confirm income eligibility.
 - 2) The LECs ~~BBE's~~ shall also take applications over the telephone or by letter. In such instances, verifications of eligibility by the LEC's shall be conducted in cooperation with the Department.
 - 3) The applicant shall be solely responsible for establishing eligibility in one or more of the proxy programs through the Department. When LECs ~~BBE's~~ find that an applicant's name is not shown on the Department's master records, the applicant will be advised to contact the Department to verify or establish eligibility.
 - 4) Applications for the installation waiver shall be processed and certified within 14 days from the date the application was received by the LEC.
- c) In the event an applicant takes exception to the eligibility status as determined by the LEC, the LEC shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.200 Service Requirement

- a) Within 90 days after the effective date of this Part, each LEC shall participate in the Universal Telephone Service Assistance Program (UTSAP) as required and authorized by Section 13-301.1 of the Public Utilities Act ~~(P.A. 87-750, effective September 26, 1991)~~ and as ordered by the Commission. All voluntary contributions received by a LEC under Section 757.205 from the date of initial participation until a determination is made by the Commission under subsection (b) of this Section ~~Section 757.200(b)~~ shall be forwarded to the UTSAP Administrator consistent with the provisions of Section 757.210(d). The UTSAP Administrator shall invest these funds in securities backed by the United States government.
- b) On July 1 of each year ~~nine months from the effective date of this Part and every six months thereafter from the date of the first order and every order thereafter~~, the UTSAP Administrator shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, the LECs ~~BBE's~~ shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section ~~Section 757.200(e)~~. The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.215(e)(3) ~~Section 757.215(e)(1) and shall be filed along with the reports required by Section 757.210(b) and 757.215(e)(1) and 757.215(e)(1)~~. The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's or the Hearing Examiner's own motion. The Commission ~~after notice and hearing~~ shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs ~~BBE's~~ shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this ~~Section 757.200(e)~~.
- c) The UTSAP ~~will~~ supplement the assistance provided by the Lifeline Connection Assistance Program as described in Subpart B through:
- 1) additional waiver of the initial telephone service installation charges beyond those provided in Section 757.100(b) for eligible new subscribers;
 - 2) a waiver of all or a portion of the local exchange service obligation of eligible subscribers or eligible new subscribers; or
 - 3) a combination of both subsections (c)(1) and (2) above as ordered by the Commission under subsections (b), (d) and (e) ~~and (d)~~.
- d) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the UTSAP, the Commission may, if it deems necessary, limit eligibility to:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

and shall include:

- 1) the total UTSAP contributions billed, less adjustments for previous months UTSAP contributions billed but not collected;
- 2) the total amount of local exchange service obligations waived;
- 3) the amount of the additional waivers of the initial telephone service installation charges as specified in Section 757.200; and
- 4) any allowable administrative expenses incurred as specified in subsection (b) of this Section 757.210(e).

e)† Costs of the UTSAP Administrator and its functions will be recovered from the UTSAP contributions before any other payments are made under the plan.

f)† Subject to its jurisdiction, the Commission may examine at any time the reasonableness of the LEC's costs incurred solely because of participation in UTSAP. If the Commission determines, after notice and hearing, that such expenditures are not reasonable, the LEC shall remit the amounts determined not to be reasonable to the UTSAP Administrator.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.215 UTSAP Administrator

- a) Within 60 days after the effective date of this Part, the LECs ~~BBE's~~ shall form the Universal Telephone Assistance Corporation (UTAC), whose members are Illinois ~~BBE's~~, as an Illinois not-for-profit corporation, as defined in the General Not-For-Profit Corporation Act [805 ILCS 105] ~~††††† Rev. Stat. 1991, ch. 327, par. 3-163a et seq.††~~, to be the UTSAP Administrator.
- b) The LECs ~~BBE's~~ shall prepare and submit to the Commission for its approval proposed Articles of Incorporation and Bylaws and initial members of a Board of Directors for the UTAC prior to submission to the Secretary of State of the State of Illinois.
- c) The UTAC shall file an application for federal income tax exempt status.
- d) The UTAC Board will consist of 9 members. There shall be three classes of directors: one class consisting of 5 directors who shall be elected from five or more nominations made by the LECs ~~BBE's~~, one class consisting of two directors who shall be elected from two or more nominations made by the Attorney General ~~Office of Public Counsel~~ and the Citizens Utility Board, and one class consisting of two directors who shall be elected from two or more nominations made by the National People's Action, the Community Action for Fair Utility Practice, and the South Austin Coalition Community Council. The directors of all three classes shall be elected by a vote of the members of UTAC.
- e) The responsibilities of the UTAC, as the UTSAP Administrator, shall be:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) to administer a statewide UTSAP pool to which all LECs ~~BBE's~~ will report UTSAP contributions and expenses.
- 2) to collect ~~monthly the excess funds from these BBE's whose revenues collected from UTSAP contributions net of installation and LESOWP waivers and reimburse LECs for their administrative expenses exceed their UTSAP cost as reported by the BBE's to the UTSAP Administrator in the form of Exhibit B of this Part.~~
- 3)† to reimburse monthly the revenue shortfall to those ~~BBE's whose UTSAP cost exceed revenues collected from UTSAP contributions as reported by the BBE's to the UTSAP Administrator in the form of Exhibit B of this Part.~~
- 3)†† to make quarterly reports to the Commission as detailed in Exhibit C of this Part.
- 4)†† to advise the Commission at any time that the total program costs exceed or will exceed the total contributions, so that the Commission may consider suspending any UTSAP programs or reducing the amount of assistance until such time as there are sufficient funds available to offset the costs.
- 5)†† to assess the total UTSAP costs and the total UTSAP revenues and to petition the Commission pursuant to Section 757.200(b) and Section 757.220(d) for the purpose of recommending any changes in the waiver amounts, the establishment of any new UTSAP programs, or the discontinuance of any existing programs.
- 6)†† to provide any external promotion and advertising of the Lifeline Connection Assistance Program and the UTSAP in conformance with or in addition to beyond that specified in Section 757.110 and Section 757.220.
- f) The UTAC, with Board approval, may contract with an outside agency to establish and maintain the UTSAP pooling function. The UTAC shall obtain Commission approval of any such contract.
- g) The UTSAP Administrator shall request bids and seek Commission approval of all contracts exceeding \$10,000.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.220 UTSAP Publicity

- a) Within 90 days after the effective date of this Part, each LEC will notify its customers that they may elect to participate in the funding of the UTSAP by electing to contribute, on a monthly basis, a fixed amount to be included in monthly bills until canceled by the customer. The customer notification specified in subsection (a) of this Section 757.220†† will be in the form of an insert in the customer bill. The mailing will specify fixed monthly amounts from which customers wishing to contribute may choose. In addition, the mailing will contain a phone number, post card or a mailing address that the customer may use to contact the LEC in order to initiate monthly

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

contribution billing.

- c) On an ongoing basis, at least once each quarter, the LECs shall continue to inform customers that they may contribute to UTSAP through bill inserts, news releases, LEC publications or other suitable means.
- d) LEC service representatives will inform customers that they may contribute to UTSAP on all contacts for new service installation or move of service within the LEC's territory.
- e) The publicity requirements shown in Section 757.110 will also apply to the UTSAP.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.225 UTSAP Eligibility

- a) In order to be eligible to receive UTSAP benefits under Section 757.200(c)(1), if such benefits are ordered by the Commission pursuant to Section 757.200(b), an individual must:
- 1) Participate in one of the proxy programs as defined in this Part.
 - 2) Not be a dependent for income tax purposes unless he or she is more than 60 years of age (see 26 U.S.C. 152).
- b) In order to be eligible to receive UTSAP benefits under Section 757.200(c)(2), if such benefits are ordered by the Commission pursuant to Section 757.200(b), an individual must:
- 1) meet the eligibility requirements of (a) above, and
 - 2) participate in the applicable proxy program(s) as established by the Commission pursuant to Section 757.200(d).

c) Any waiver shall be available for one access line only, which shall be at the principal place of residence of the individual receiving assistance from one of the proxy programs set forth in Section 757.10.

d) UTSAP program benefits shall be delivered in the name of an individual receiving assistance from one of the programs set forth in Section 757.10.

e) Should a UTSAP program be temporarily suspended at any time, existing program participants will retain their eligibility upon resumption of the program subject to the recertification conditions outlined in Section 757.240.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.230 UTSAP Application Procedure and Processing

- a) The LEC shall be responsible for processing all UTSAP applications.
- b) The UTSAP application procedures and processing shall be the same as those shown in Section 757.115.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.240 Recertification

Recertification of a participant's eligibility for any LESOWP waiver provided under the UTSAP shall be conducted in the following manner:

- a) LECs shall be responsible for recertification and shall conduct recertification through inquiry to the facilities maintained by the Department.
- b) Recertification shall be conducted no more than once every six months and no less than once a year.
- c) If a LEC determines upon recertification that a UTSAP participant is no longer eligible, the LEC shall provide the participant with notice prior to terminating the participant from the UTSAP. Within 30 days of such a determination shall be provided to the participant in writing, and shall provide the information specified in Exhibit D.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 757.245 UTSAP Filing Requirements

- a) LECs shall file with the Commission appropriate tariffs for the provision of an additional waiver of the initial telephone service installation charge and/or a LESOWP waiver pursuant to orders) of the Commission authorizing such supplemental assistance programs.

b) LECs shall file with the Commission year-end reports containing the information specified in Exhibit A Part, as provided in Section 757.210.

c) The UTSAP Administrator shall file with the Commission, on a quarterly basis, a report containing the information specified in Exhibit A Part.

d) LECs shall file with the UTSAP Administrator, on a quarterly basis, reports containing the information specified in Exhibit A Part, as provided in Section 757.210.

e) The UTSAP Administrator shall file with the Commission, on a quarterly basis, minutes of all meetings of the Board.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART D: STAFF LIAISON

Section 757.300 Staff Liaison

- a) The Executive Director of the Illinois Telecommunications Board shall appoint one Staff member to act as Staff Liaison to the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

provided under this Part. The Staff Liaison shall serve as contact person, advisor, and monitor of the UTSAP Administrator and low-income residential customers.

- b) The UTSAP Administrator and the LECs shall serve one copy of all filings, reports or other information provided to the Commission under this Part on the Staff Liaison.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Section 757.EXHIBIT A LEC Quarterly Report to Commission

EXHIBIT A
Page 1 of 5 7

Local Exchange Company: _____

QUARTERLY REPORT TO THE COMMISSION

STATUS OF THE LIFELINE CONNECTION ASSISTANCE PROGRAM

FOR CALENDAR QUARTER ENDING: _____

A) APPLICATIONS RECEIVED CHARGES INTEREST

MONTH RECEIVED CHARGES INTEREST

1) _____

2) _____

3) _____

Year-To-Date _____

B) RECIPIENTS

Number of Persons Receiving Lifeline Connection
Assistance Year-To-Date _____

NOTE: Each LEC must file the original of this Exhibit A with the Chief Clerk of the Illinois Commerce Commission and forward a copy to the UTSAP Administrator and the Staff Liaison within 30 days after the end of each calendar quarter.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTExhibit A
Page 2 of 57

Local Exchange Company _____

STATUS OF UTSAP BIPBBINB EXPENDITURES

FOR CALENDAR QUARTER ENDING: _____

C) UTSAP BIPBBINB EXPENDITURE REPORT

	Current Quarter	Year to Date*
1. Telecommunications Expenses		
a. Billing and Data Processing	\$ _____	_____
b. Customer Notification and Bill Inserts	_____	_____
c. Certification Administration (LEC) and Contact Time	_____	_____
d. Certification Administration (IDPA)	_____	_____
e. Service Representative Training	_____	_____
f. Other, please specify _____	_____	_____
TOTALS	\$ _____	\$ _____
Less UTSAP Reimbursement Cost		
Recovery Received	\$ _____	\$ _____
BALANCES	\$ _____	\$ _____

* Includes Current Quarter

NOTE: Carriers shall maintain supporting documentation in such a manner as to be able to readily identify the above expenses in appropriate subaccounts.

Quarterly "Totals" reported on this page should correspond to the sum of the monthly "Administrative Costs" reported on Exhibit B by LECs with over 35,000 access lines.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTExhibit A
Page 3 of 57

Local Exchange Company: _____

For Calendar Quarter Ending: _____

D) LEC ADMINISTRATIVE COSTS

(Further breakdown of (C)1.c on page 2 of 5) (Detail-for-item-(C)1.c)et
Above:

Administrative Costs and Contact Time	Current Quarter	Year to Date*
a. Supervision	\$ _____	\$ _____
b. Customer Records & Collections (Total of Lines 1-6 Below)	_____	_____
1. Salaries & Fringe Benefits	_____	_____
2. Materials	_____	_____
3. Postage	_____	_____
4. Transportation Expenses	_____	_____
5. Preprinted Forms	_____	_____
6. Other	_____	_____
c. Miscellaneous Customer Accounts	_____	_____
d. Administrative & General Salaries	_____	_____
e. General Office Supplies & Expenses	_____	_____
f. Outside Services Employed	_____	_____
TOTAL ADMINISTRATIVE COSTS	\$ _____	\$ _____

* Includes Current Quarter

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Exhibit A
Page 4 of 5 #

Local Exchange Company: _____

STATUS OF THE UTSAF ADDITIONAL INSTALLATION CHARGE WAIVER

FOR CALENDAR QUARTER ENDING: _____

A)	MONTH	APPLICATIONS RECEIVED	ADDITIONAL INSTALLATION CHARGES WAIVED
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Year-To-Date _____

B) RECIPIENTS

Number of Persons Receiving Additional Installation Charge Waiver Assistance _____

Year-To-Date _____

Note: The information supplied under "Additional Installation Charges Waived" should correspond to the information provided on Exhibit B for LECs with more than 35,000 access lines.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Exhibit A
Page 5 of 5 #

Local Exchange Company: _____

STATUS OF THE MONTHLY LOCAL-EXCHANGE-SERVICE
OBLIGATION WAIVER PROGRAM (EBROWP)

FOR CALENDAR QUARTER ENDING: _____

A)	MONTH	APPLICATIONS RECEIVED	ADDITIONAL-INSTALLATION MONTHLY CHARGES WAIVED
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Year-To-Date _____

B) RECIPIENTS

Number of Persons Receiving Monthly EBROWP Assistance _____

Year-To-Date _____

Note: The information supplied under "Monthly Charges Waived" should correspond to the information provided on Exhibit B for LECs with more than 35,000 access lines.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTExhibit A--
Page 6 of 7e)-----UTSAP-EXPENDITURE-REPORT
(EXCLUDING-BIPBIB-EXPENDITURES)

	Current Quarter	Year-to Date*
1- LESWP-Telecommunications-Expense		
a--Billing-and-Data Processing	\$-----	\$-----
b--Customer-Notification-and Bill-Inserts	\$-----	\$-----
c--Certification-Administration (BBD)-and-Contact-Time	-----	\$-----
d--Certification-Administration (BBD)	\$-----	\$-----
e--Service-Representative Training	\$-----	\$-----
f--Other-please-specify	\$-----	\$-----
TOTALS	\$-----	\$-----
Less-Cost-Recovery-Received	\$-----	\$-----
BALANCES	\$-----	\$-----

*--Includes-Current-Quarter

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTExhibit A--
Page 7 of 7

Local-Exchange-Company:-----

For-Calendar-Quarter-Ending:-----

B)---BBE-ADMINISTRATIVE-COSTS (Detail-for-Item-(c)-(1)-(2)-Above)	Administrative-Costs-and Contact-Time	Current Quarter	Year-to Date*
a- Supervision		\$-----	\$-----
b- Customer-Records-&-Collections (Total-of-Items-1-6-Below)		-----	-----
1--Salaries-&-Wage Benefits		-----	-----
2--Materials		-----	-----
3--Postage		-----	-----
4--Transportation Expenses		-----	-----
5--Reprinted-Forms		-----	-----
6--Other		-----	-----
c- Miscellaneous-Customer Accounts		-----	-----
d- Administrative-& General-Offices		-----	-----
e- General-Office Supplies-&-Expenses		-----	-----
f- Outside-Services Employed		-----	-----
TOTAL-ADMINISTRATIVE-COSTS		\$-----	\$-----

*--Includes-Current-Quarter

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Section 757.EXHIBIT B Monthly LEC Waiver Costs/Contributions Cost/Revenue Reporting Form

Monthly LEC Waiver Costs/Contributions Cost/Revenue Reporting Form

LEC _____

Exhibit B

Month _____

Contributions Revenues:

- a) Total Contributions Billed _____
- b) Less Uncollectible Contributions from previous months _____
- c) Total Contributions Revenues _____

Waiver Costs:

- a) Total Additional Installation Charges Waived
Exhibit A, page 4 of 5 _____
- b) Total Monthly BESHP Waivers (Exhibit A, page 5 of 5) _____
- c) Total UTSAP Expenditures (Exhibit A, page 2 of 5) Administrative-Costs _____

d) --Total-Costs -----

Amount Due from UTSAP Administrator
(Waivers Costs exceed
Contributions) Revenues-over-

OR

Amount to be Remitted to UTSAP
Administrator (Contributions exceed
Waivers) (Revenues-exceed-Costs)

Administrative Costs _____

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Note: Exhibit B is to be forwarded monthly to the UTSAP Administrator by LECs
with more than 35,000 access lines.

(Source: Amended at 20 Ill. Reg. _____, effective
_____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Section 757. EXHIBIT C Quarterly UTSAP Administrator Report to Commission

Exhibit C

Quarterly UTSAP Administrator Report

For Calendar Quarter Ending _____

1. Balance in Pool at Beginning of Quarter _____

Total Contributions to UTSAP _____

a) Billed by LECs ~~EBELs~~ _____

b) Directly to UTSAP Administrator _____

c) Interest Earned ~~Sub-Total~~ _____

d) Less Uncollected Contributions _____

2. Total Contributions _____

Total Costs _____

a) LEC Additional Installation Charge Waivers _____

b) LESOWP Waivers _____

c) LEC Administrative Expenses _____

d) UTSAP Administrator Expenses _____

3. Total Costs _____

4. Balance in Pool at End of Quarter
(Line 1 plus Line 2 minus Line 3) _____

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Riverboat Gambling2) Code Citation: 86 Ill. Adm. Code 30003) Section Numbers: Proposed Action:

3000.240

Amendment

3000.241

New

3000.242

New

3000.243

New

4) Statutory Authority: Riverboat Gambling Act, 230 ILCS 10

5) A Complete Description of the Subjects and Issues Involved: These amendments are necessary to assure strict regulation of the suppliers of riverboat gambling operations in Illinois. The amendments provide that cases of bankruptcy, liquidation, reorganization, or substantial change in the ownership or control of a licensed supplier, or another event that significantly affects the character, reputation or financial integrity of a supplier or the quality of its product, may result in suspension, revocation or restriction of the supplier's license by the Gaming Board. The amendments require a supplier licensee to provide the Gaming Board with written notice of any changes to the list of gambling equipment and supplies the supplier is authorized to sell or lease, and establish a procedure for the Board's denial of such changes. The amendments specify the requirements for an initial one year supplier license and for subsequent renewal for a four year period subject to restrictions or conditions imposed by the Gaming Board.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit written comments concerning this proposed rulemaking to:

Maralee B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This proposed rulemaking is being initiated concurrently with an emergency rulemaking to provide stronger regulation to address changes in organization and operations by licensed suppliers. The upcoming regulatory agenda will not be published soon enough for this emergency situation.

The full text of the Proposed Amendment is identical to the Emergency Rulemaking that begins on page _____.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Duck, Goose and Coot Hunting2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers:

590.10	<u>Proposed Action:</u>
590.15	Amendments
590.40	Amendments
590.50	Amendments
590.60	Amendments
590.80	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to standardize and clarify hunting regulations on various State sites, move Bond, Fayette and Effingham counties to the Southern Zone for all waterfowl hunting; add information regarding the HIP program; open Sand Ridge State Forest to limited handicapped hunting; and add regulations regarding check station operations and blind use.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not regulate

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

businesses, municipalities or not-for-profit corporations.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section	Statewide Regulations
590.10	Duck, Goose and Coot General Hunting Regulations on all
590.15	Department-Owned and -Managed sites
590.20	Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all
	Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60	Various Other Department Sites - Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Snow-Bird-and-Geese Hunting
	Regulations on Department Sites

EXHIBIT A
The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5.1.3, 5.1.4, 1.13, 2.1, 2.2, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (520 ILCS 5/2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

non-toxic by federal regulations.

e) Emergency Closure

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

g) Commercial Migratory Waterfowl Hunting Area Permits

1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time.

3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

h) Waterfowl Hunting Zones:

1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border - except that at St-Bender Effingham and Fayette counties will be excluded from the Central

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

~~Zone-for-geese-hunting.~~

- 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
- 5) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State--~~except--that--all--of--Bendy-Birmingham--and--Fayette--counties--will--be--in--the--Southern--zone--for--geese--hunting.~~
- 6) Fulton-Knox County Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
- 7) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 8) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, Dupage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
- 9) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

10) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. and except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily.

11) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Canada Goose Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time.

12) The following apply in the Northern and Central Illinois Quota Zones:

- 1) It is unlawful to hunt Canada geese during seasons starting after September 30 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
- 2) Immediately upon taking possession of a harvested Canada goose, hunters must punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested)--~~and--zone--in--which--taken--persons--who--take--3--Canada--geese--in--the--same--day--must--punch--or--slit--the--permit--on--or--above--the--line--immediately--above--the--date--where--the--other--2--geese--that--were--taken--were--punched.~~
- 3) Hunters must report their kill within 24 hours by calling

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

1-800-WETLAND (938-5263)--~~on-a-touch--tone--phone.~~ Hunters must report the number of geese taken, date and zone where taken.

- 1) During any goose seasons that occur after the close of the Canada goose season, Union and Alexander Counties are closed to goose hunting.

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites

a) Definitions

- 1) Blind site - A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department of Natural Resources Conservation.
- 2) Blind builder - Person who has been assigned a blind site as a result of the drawing.
- 3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
- 4) Drawing - Procedure by which blind sites are assigned.
- 5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
- 6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.
- 7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

b) Blind Construction

- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 11 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
- 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.
- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of duck waterfowl season (except at Mississippi River Area Pools 25 and 26 blinds and blinds in other

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

must be completed 4 weeks in advance of opening date of duck ~~waterfowl~~ season) after which time the Department of Conservation shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of the duck ~~waterfowl~~ season on sites posted as being closed to trespassing 7 days prior to duck ~~waterfowl~~ season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of duck ~~waterfowl~~ season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the duck ~~waterfowl~~ season.

5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days of the blind drawing date. Failure to do so shall result in forfeiture of blind.

6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.

7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of duck ~~waterfowl~~ season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck ~~waterfowl~~ season; failure to meet these standards shall result in forfeiture of blind site.

8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in subsections 590.40(a) and (b) and 590.50(a) and (b).

c) Use of blinds

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

2) No person shall hunt, or attempt to hunt, except from within a registered blind.

3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.

4) Blinds shall not be locked.

5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.

6) No person shall fish within 250 yards of an occupied blind within the hunting area.

7) All hunting parties shall hunt over a spread of at least 12 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.

8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

d) Public Drawing

1) Time and place for all sites holding drawings shall be publicly announced by the Department of Natural Resources ~~Conservation~~.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have a Firearm Owner's Identification Card must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
- 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in subsections 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in subsection 590.50(b) shall apply.
- 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
- 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
 - 1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
 - 2) Batentown (3:30 p.m. closing; Central Standard Time (CST)) (3 year blind allocation period)
 - 3) Calhoun Point (3:30 p.m. CST closing) (3 year blind allocation period)
 - 4) Glades (3:30 p.m. CST closing) (3 year blind allocation period)
 - 5) Godar-Diamond (3:30 p.m. CST closing) (3 year blind allocation period)
 - 6) Horseshoe Lake - Madison County (3:30 p.m. CST closing; 3 year blind allocation ~~goose-hunting--is--prohibited--after-the-duck season~~)
 - 7) Lake DePue (sunrise opening)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 8) Marshall County Conservation Area - (previous years blind builders shall have until February 1 to salvage blind materials)
 - Spring Branch Unit
 - 9) Maconia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
 - 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
 - 11) Sanganois Conservation Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held prior to or after the duck season)
 - 12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
 - 13) Stump Lake (3 year blind allocation period; 3:30 p.m. CST closing)
 - 14) Woodford County Fish and Wildlife Area (previous year's blind builders have until February 1 to salvage blind materials)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
 - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
 - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
 - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
 - 5) It shall be unlawful to trespass upon the designated duck waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools ponds 25 and 26 it shall be unlawful to trespass upon the designated duck waterfowl hunting area between sunset of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Sunday immediately preceding opening day of waterfowl season through the day before waterfowl season as posted at the site.

6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of duck waterfowl season through the close of duck and Canada goose waterfowl season.

7) No more than 4 persons shall occupy a blind at one time.

8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m. - 1:00 p.m.) after which time the area shall be closed to additional hunters.

10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.

11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. NO waterfowl blind may be removed until after the close of the waterfowl season.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blind materials must be salvaged 7 days after current year's drawing; except blind numbers 15, 18 and 20 must be removed in their entirety by May 1)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Helmhold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Depue Walk-in Unit (daily drawing; daily hunting hours are sunrise to 1:00 p.m.)

Lake Sinnissippi (Department Owned Land; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, and 32 must be removed in their entirety by May 1)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Mississippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Velle Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Pekin Lake (Department Owned Land)

Piasa Island (3 year blind allocation period)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in area only; during the regular duck season, no permanent blinds; daily hunting hours will close at 3:30 p.m. CST)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in only, daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites at the drawing; previous years blind builders shall have until February 1 to salvage blind materials).

b) The following regulations apply to all sites listed in this Section under subsection (a).

1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.

2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).

4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.

6) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.

7) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. NO waterfowl blind may be removed until after the close of the waterfowl season.

8) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of waterfowl season through the waterfowl season as posted at the site.

9) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Redwing Slough/Deer Lake

William Powers Conservation Area

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10), General Department Regulations (Section 590.30) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
- 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites ~~and 300 yards from power lines.~~
- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of waterfowl season through the waterfowl season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, ~~or and no one may remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season,~~ hunters must be out of the area by one hour after sunset and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and the East Side Management Area located east of the Kaskaskia River. ~~Hurricane Creek Area (as defined in subsection (b)(3)(B)).~~

- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Individual float tubes (not to exceed 42" diameter) and capable of supporting only one person may be used.
- D) Only walk-in hunting shall be permitted in the subimpoundment areas. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats and will designate boat launching locations. Boats and electric trolling motors only are allowed only at these times in the subimpoundment areas.
- E) In the subimpoundment areas, ~~compartment compartments-3--and 4 will be a waterfowl rest area areas during the entire waterfowl season. No hunting within 50 yards of E and F levees which contain subimpoundment 4 is permitted. No waterfowl hunting shall be permitted on Hurricane Creek area which is defined as the area bordered by the Kaskaskia River on the South, B levee on the west, the Texas-941 Company pipeline on the north, and C levee on the east--No hunting within 50 yards of B levee (which surrounds subimpoundment 3)--or F levee--(which surrounds subimpoundment 4)--is permitted. No trespassing will be allowed, except for hunters boating through the area on the Kaskaskia River along F levee Hurricane Creek area to hunt--north--on Hurricane Creek or in the subimpoundments. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.~~
 - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
 - G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

registration box located at the access parking lot. All hunters must sign out and record their harvest daily before they exit the area.

H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.

I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.

4) Chauncey Marsh (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

5) Clinton Lake (1)

A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.

B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.

C) No more than 4 persons shall occupy or use a portable boat blind.

D) Each hunting party is required to hunt over a minimum of 12 decoys.

E) No hunting is permitted within 300 yards of power lines.

6) Dog Island Wildlife Management Area (1)

Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

7) Donnellie State Wildlife Area

A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.

B) Hunting hours start at sunrise.

C) Goose hunting is prohibited after the close of the duck season.

D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.

E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

F) \$10.00 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized NRD personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

hour after termination of hunt or no later than 2:00 p.m.
J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

8) Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

9) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) Muzzleloading shotguns only.

D) No hunting is allowed during firearm deer season.

10) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

C) Access to water blind sites must be by boat only and from designated boat launch sites.

D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.

E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the waterfowl season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.
- 11) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only
- A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).
- B) Hunting shall be done from assigned blinds only.
- C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal hunting hours at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.
- D) Hunters must deposit their license prior to going to their blinds.
- E) Hunters must park in assigned, designated areas only.
- F) Hunters must hunt over a minimum of 12 Canada goose decoys.
- G) Hunters must return to the check station and report their harvest by 2:00 p.m.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.
- I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.
- 12) Horseshoe Lake (Alexander County) Public Hunting Area
- 13) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)
- 14) Joint Army-Ammunition Plant (Will County)
- A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.
- B) Only walk-in hunting will be permitted. Blinds must be portable in nature or constructed of natural materials located at the blind site and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.
- C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.
- D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.
- 14) 15) Kaskaskia River Fish and Wildlife Area
- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) Between the Highway 13 and Highway 154 bridges, all hunters are required to sign out and report harvest daily at the nearest check station.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
- ii) Only waterfowl, coot and archery deer (as provided by 17 Ill. Adm. Code 670) hunting allowed in this area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

- 15) ~~16~~ Kidd Lake State Natural Area (1)
 16) ~~17~~ Kinkaid Lake Fish & Wildlife Area (1)
 17) ~~18~~ Lake Shelbyville (except for land/waters covered in subsection 590-60(b)(19) of this Section) (1)
 18) ~~19~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
 B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

- i) All parties must hunt within 10 yards of their assigned stake.
- ii) All parties must be in place by one-half hour before hunting time.
- iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(18)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

19) Medewin National Tallgrass Prairie

A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of \$5.00 per person will be charged for waterfowl hunting.

B) Only walk-in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.

C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.

D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on-site must be directly between the check station and blind location. Entry into restricted areas shall result in the loss of hunting privileges at the site for the remainder of that season.

20) Meredosia Lake - Cass County Portion Only (meandered waters only)
 A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

21) Mermet

A) Waterfowl hunting shall be permitted only during the duck hunting season.

B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal opening time.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.
- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- 22) Oakford Conservation Area (1)
- 23) Ray Norbut State Fish and Wildlife Area ~~Pike-County-Conservation Area (1)~~
- Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier.
- 24) Rend Lake Project Lands and Waters
- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- D) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.
- E) All boat traffic is prohibited from entering the ~~daily-posted waterfowl-refuge-and-the~~ subimpoundments from 1 week before waterfowl season until opening day of waterfowl season ~~March~~ t.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites ~~4:30-a.m.-daily-at the-Bonnie-Dam-Access-Area~~. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- check station in their possession while hunting.
- ~~iv)***~~ Two standby parties will be drawn for pit refill after move-up of initial hunting parties, in the reverse order of the order the pits were drawn.
- ~~v)***~~ No more than ~~6~~ ~~four-4~~ dozen decoys may be used per pit.
- ~~vi)***~~ No more than ~~four-4~~ 4 hunters will be allowed in a pit or hunting party.
- H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- K) After the close of duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.
- L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a staked site at any given time.
 - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January ~~and-at-4:30-a.m.-during-the remainder-of-the-season-at-locations-to-be-publicly announced~~. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
 - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than five (5) persons shall be in a hunting party.

- iv) Hunters (including those who are not drawn in the initial daily ~~4:30 a.m.~~ drawing) will not be allowed to enter the staked area until 9:00 a.m. No hunting party may enter the staked area after 9:30 a.m. Hunters will not be allowed to enter the staked area between 9:00 a.m. and 9:30 a.m. unless there are vacant staked hunting locations.

- v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis.

- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.

- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

25) Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.

- B) Walk-in hunting only.

- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

26) Sand Ridge State Forest (Mud Turtle State Natural Area) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.

- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.

- C) Hunters must report harvest to site office.

27) Sangamis Conservation Area ~~Walk-in Area~~

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

- B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

- C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

licenses or Firearm Owner's Identification Cards before proceeding to area.

- D) Upon the completion of hunting, hunters must report to the check station within one hour.

- E) Fishing is prohibited in the impoundment areas during the duck ~~waterfowl~~ season.

- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

- G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

- H) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

- I) No hunting permitted from the walk-in area subimpoundment levee.

28) ~~27~~ Sangamis Lake State Park

- A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.

- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the goose season which follows the duck season, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

- C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

- D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

- E) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(27)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

- F) No more than 4 persons shall occupy a blind at one time.

- G) The center arm of the lake shall be closed to all waterfowl hunting.

- H) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

remove, move or close blind sites in order to carry out the operations of the overall management program.

- I) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

- J) Access to blind sites shall be by boat only and from designated boat launch sites. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

- K) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.

- L) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

- M) No pits or blinds shall be built on State leased or Commonwealth Edison land.

- N) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

- O) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season.

- P) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

- Q) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.

- R) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

29)20† Shawnee National Forest, Upper and Lower Bluff Lakes

Goose hunting is prohibited.

30)29† Shawnee National Forest, LaRue Scatters

All hunting must be by walking in or in boats without motors.

31)30† Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting must be by walking into the area.
B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
C) No person shall tamper with or attempt to manipulate any of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

the gates, pumps or structures in the sub-impoundment area.

- 32)31† Stephen A. Forbes State Park
A) On the main lake hunting is allowed from a boat blind only in the designated areas.

- B) Only walk-in hunting is allowed in the sub-impoundment.

- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

33)32† Ten Mile Creek Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Pads Mine unit.

- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

- 34)33† Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

35)34† Union County (Firing Line Waterfowl Management Area)

- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

- B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

- C) During goose season hunting from staked sites only.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.80 Early and Late Goose (all species) Snow, Blue and--Ross--Goose Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions: Barring goose hunting seasons that extend beyond--the--Canada--goose--season--statewide--regulations--and-site-specific-regulations-for-Canada--goose hunting--as indicated in Sections 590.40--590.50--and--590.60--shall apply--at--all sites--except those listed as closed in subsection (b)†

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

with the following exceptions:

- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*). Hunters shall not be required to check in and check out.
- 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season. Hunters shall not be required to sign in and sign out.
- 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season. At these sites where hunters are required to salvage materials by February 17, hunting may occur outside registered blinds as long as hunting parties stay at least 200 yards apart.
- 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @. Statewide hunting fees shall apply.
- 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #. No fees will be charged for hunting.
- 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields. No sites are closed to fishing.

b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area

Cacne River Natural Area *

Carlyle Lake Project Lands and Water *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Port de Chartres Historic Site

Kaskaskia River State Fish and Wildlife Area (between the Highway 13 and Highway 154 bridges) *

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except lands and waters covered in Section

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

590.60(b)(19))

Marshall Fish and Wildlife Area *

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area *

Sanganois State Fish and Wildlife Area *

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area *

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) *

Horseshoe Lake Fish and Wildlife Area (unpolluted Hunting Area and Public Hunting Areas)

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit)

Ray Norout State Fish and Wildlife Area *

Rice Lake (closed after regular duck season) *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Union County Fish and Wildlife Area (Firing Line Management Area and Controlled Hunting Area)

- d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Braidwood State Fish and Wildlife Area *

Clinton Lake

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Sinissippi Fish and Wildlife Area

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park *

Spring Lake Fish and Wildlife Area *

Starved Rock State Park *

- e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Banner Marsh * @

Mississippi River Pools 21, 22 and 23 @

Stephen A. Forbes State Park *

Snake Den Hollow * @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

- b) The following sites shall be closed to goose hunting during seasons that extend beyond the Canada goose season:

Region-1

Banner Marsh

Rice Lake

Anderson Lake

Spring Lake

Bonnetty--DePue

Powerton

Region-2

Kankakee River State Park

Heidecke Lake

Braidwood--Mazonia

William Powers

Region-3

Lake Shelbyville--Pedestal Bands

Lake Shelbyville--Kaskaskia Unit

Lake Shelbyville--West Okaw Unit

Clinton Lake

Region-4

Sangchris Lake

Ray Norbat

Region-5 (Union and Alexander Counties Closed)

Horseshoe Lake Conservation Area

Union County Conservation Area

Upper and Lower Bluff Lakes

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: 510.190
Proposed Action: Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A complete description of the subjects and issues involved: This repealer eliminates the restriction for entering a standardbred for less than 110% of its claiming price during the 30 days following the claim.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rule was requested by the Illinois Harness Horsemen's Association at the

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Board's May 14, 1996 Board meeting. This rulemaking has not been published in a Regulatory Agenda.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 510.190 Entering Claimed Horse (Repealed)

- a) For a period of 30 days after the claim of a harness horse, it shall not start in a race in which the eligibility price is less than 10 per cent more than the price at which it was claimed.
- b) The day claimed shall not count but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that it may start on the 31st calendar day following the claim for any claiming price.

(Source: Repealed at 20 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers:
130.1331
Proposed Action:
New Section4) Statutory Authority: 35 ILCS 120

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking amends the Department's rules concerning the Retailers' Occupation Tax Act to provide detailed rules on the Manufacturer's Purchase Credit. A Manufacturer's Purchase Credit is provided by P.A. 88-547 for purchases made on and after January 1, 1995, of manufacturing machinery and equipment. This rulemaking also incorporates the changes provided by P.A. 89-89, effective June 30, 1995. This amendment to the Retailers' Occupation Tax Act rules cross-references existing rules as appropriate.

6) Will this proposed rule replace an emergency rule currently in effect: No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
130.310	Amendment	3/29/96, 20 Ill. Reg. 5047
130.1952	Amendment	4/12/96, 20 Ill. Reg. 5470
130.1501	Amendment	4/19/96, 20 Ill. Reg. 5774

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, IL 62794
(217) 782-6396

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small manufacturing business or any small business that sells manufacturing machinery or equipment or production related tangible personal property to manufacturers.

B) Reporting, bookkeeping or other procedures required for compliance: A manufacturer must report the credit earned or used to the Department of Revenue on forms provided by the Department. Suppliers and servicemen of manufacturers must obtain a Manufacturer's Purchase Credit certificate from the manufacturer and keep the certificate with the supplier's or serviceman's records unless that certification is incorporated into the manufacturer's purchase order.

C) Types of professional skills necessary for compliance: No additional skills are needed for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not on either of the 2 most recent regulatory agendas because: This rulemaking is part of the amendments to Part 130 regarding new statutory developments as described in the Department's latest Regulatory Agenda.

The full text of the Proposed Amendment(s) begins on the next page: **8053**

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Manufacturer's Purchase Credit
130.331	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.350	

SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.405	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section	Monthly Tax Returns--When Due--Contents
130.501	Quarterly Tax Returns
130.502	Returns and How to Prepare
130.505	Annual Tax Returns
130.510	First Return
130.515	Final Returns When Business is Discontinued
130.520	Who May Sign Returns
130.525	Returns Covering More Than One Location
130.530	Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances

130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	Preliminary Comments
130.601	Sales of Property Originating in Illinois
130.605	Sales of Property Originating in Other States
130.610	

SUBPART G: CERTIFICATE OF REGISTRATION

Section	General Information on Obtaining a Certificate of Registration
130.701	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.705	Procedure When Security Must be Forfeited
130.710	Sub-Certificates of Registration
130.715	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.720 **Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances**
 130.725 **Display**
 130.730 **Replacement of Certificate**
 130.735 **Certificate Not Transferable**
 130.740 **Certificate Required For Mobile Vending Units**
 130.745 **Revocation of Certificate**

SUBPART H: BOOKS AND RECORDS

Section
 130.801 **General Requirements**
 130.805 **What Records Constitute Minimum Requirement**
 130.820 **Records Required to Support Deductions**
 130.815 **Preservation and Retention of Records**
 130.820 **Preservation of Books During Pendency of Assessment Proceedings**
 130.825 **Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible**

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 **Civil Penalties**
 130.905 **Interest**
 130.910 **Criminal Penalties**

SUBPART J: BINDING OPINIONS

Section
 130.1001 **When Opinions from the Department are Binding**

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 **Definition of Federal Area**
 130.1105 **When Deliveries on Federal Areas Are Taxable**
 130.1110 **No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas**

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 **General Information**
 130.1205 **Due Date that Falls on Saturday, Sunday or a Holiday**

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1301 **When Lessee of Premises Must File Return for Leased Department**
 130.1305 **When Lessor of Premises Should File Return for Leased Department**
 130.1310 **Meaning of "Lessor" and "Lessee" in this Regulation**

SUBPART N: SALES FOR RESALE

Section
 130.1401 **Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale**
 130.1405 **Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale**
 130.1410 **Requirements for Certificates of Resale (Repealed)**
 130.1415 **Resale Number--When Required and How Obtained**
 130.1420 **Blanket Certificate of Resale (Repealed)**

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 **Claims for Credit--Limitations--Procedure**
 130.1505 **Disposition of Credit Memoranda by Holders Thereof**
 130.1510 **Refunds**
 130.1515 **Interest**

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 **When Returns are Required After a Business is Discontinued**
 130.1605 **When Returns Are Not Required After Discontinuation of a Business**
 130.1610 **Cross Reference to Bulk Sales Regulation**

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 **Bulk Sales: Notices of Sales of Business Assets**

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 **When Powers of Attorney May be Given**
 130.1805 **Filing of Power of Attorney With Department**
 130.1810 **Filing of Papers by Agent Under Power of Attorney**

SUBPART S: SPECIFIC APPLICATIONS

Section
 130.1901 **Addition Agents to Plating Baths**
 130.1905 **Agricultural Producers**

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles

130.1915 Auctioneers and Agents

130.1920 Barbers and Beauty Shop Operators

130.1925 Blacksmiths

130.1930 Chiropodists, Osteopaths and Chiropractors

130.1935 Computer Software

130.1940 Construction Contractors and Real Estate Developers

130.1945 Co-operative Associations

130.1950 Dentists

130.1951 Enterprise Zones

130.1955 Farm Chemicals

130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions

130.1965 Florists and Nurserymen

130.1970 Hatcheries

130.1975 Operators of Games of Chance and Their Suppliers

130.1980 Optometrists and Opticians

130.1985 Pawnbrokers

130.1990 Peddlers, Hawkers and Itinerant Vendors

130.1995 Personalizing Tangible Personal Property

130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers

130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons

130.2006 Sales by Teacher-Sponsored Student Organizations

130.2007 Exemption Identification Numbers

130.2008 Sales by Nonprofit Service Enterprises

130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others

130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property

130.2020 Physicians and Surgeons

130.2025 Picture-Framers

130.2030 Public Amusement Places

130.2035 Registered Pharmacists and Druggists

130.2040 Retailers of Clothing

130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like

130.2050 Sales and Gifts By Employers to Employees

130.2055 Sales by Governmental Bodies

130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products

130.2065 Sales of Automobiles for Use in Demonstration

130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products

130.2075 Sales to Construction Contractors, Real Estate Developers and Speculative Builders

130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions

130.2090 Sales to Railroad Companies

130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles

130.2100 Sellers of Feeds and Breeding Livestock

130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers

130.2110 Sellers of Seeds and Fertilizer

130.2115 Sellers of Machinery, Tools and the Like

130.2120 Suppliers of Persons Engaged in Service Occupations and Professions

130.2125 Trading Stamps and Discount Coupons

130.2130 Undertakers and Funeral Directors

130.2135 Vending Machines

130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order

130.2145 Vendors of Meals

130.2150 Vendors of Memorial Stones and Monuments

130.2155 Vendors of Signs

130.2156 Vendors of Steam

130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.

130.2165 Veterinarians

130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 1201] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.331 Manufacturer's Purchase Credit

- a) Earning Manufacturer's Purchase Credit
- 1) Effective January 1, 1995, a manufacturer may earn a credit when purchasing exempt manufacturing machinery and equipment. The credit is known as the Manufacturer's Purchase Credit or MPC. The amount of credit is limited to a percentage of the 6.25% State rate of tax that would have been incurred on the purchase of exempt manufacturing machinery and equipment. (See Section 130.330 of this Part.)
 - 2) The percentage of credit earned based upon exempt purchases increases over time as follows:
 - A) 15% for purchases made on or before June 30, 1995.
 - B) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
 - C) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.
 - D) 50% for purchases made on or after July 1, 1997. (Section 3-85 of the Use Tax Act [35 ILCS 105/3-85])
 - 3) The credit is earned at the time qualifying manufacturing machinery and equipment is purchased. A qualifying purchase is

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

considered to take place as of the date of invoice of that qualifying manufacturing machinery and equipment. The credit is considered to be earned on qualifying manufacturing machinery and equipment that is purchased under an installment contract or progress payment contract at the time that each installment or progress payment is invoiced. The amount of credit that is earned is based on the amount of tax that would have been due on that portion of the purchase price that is invoiced.

- 4) No credit is earned for exempt purchases under the expanded Enterprise Zone exemption, as described in subsection (b) of Section 130.1951 of this Part, unless that purchase would also qualify as exempt under the manufacturing machinery and equipment exemption described in Section 130.330 of this Part.
- 5) No credit is earned for a purchase of tangible personal property that qualifies as an occasional sale, as described in subsection (a) of Section 130.110 of this Part.
- 6) No credit is earned for a purchase of tangible personal property that is purchased for resale. (See subsection (a) of Section 130.330 of this Part.)

Credit Earned in Service Transactions

- A) In order to earn credit based on purchases that would have resulted in Service Use Tax liability if the exemption described in Section 130.330 of this Part had not been available, the manufacturer must request that the serviceman identify the tax base used by the serviceman as provided in 86 Ill. Adm. Code 140.101. This is necessary for the manufacturer to calculate the proper amount of credit earned based upon the amount of Service Use Tax that would have been due. The manufacturer must maintain certification, in the manufacturer's books and records, that the purchase would have resulted in Service Use Tax liability if the exemption described in Section 130.330 of this Part had not been available, and the amount of Service Use Tax that would have been due.
- B) Credit is not earned by a manufacturer where the purchase of tangible personal property transferred incident to the sale of service results in a Use Tax liability to the serviceman. Where the serviceman incurs a Use Tax liability based upon his cost price of tangible personal property, the service customer (manufacturer) does not incur any tax liability. Therefore, the Service customer cannot claim credit based upon such transactions.
- C) The following are examples of how a manufacturer determines the amount of credit earned in a service transaction:
- 1) If the serviceman is registered under the Service Occupation Tax Act and has chosen to separately state charges for tangible personal property, the manufacturer calculating the credit is the amount of tax avoided

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

(through the manufacturing machinery and equipment exemption) on the separately stated charges for the qualifying tangible personal property transferred incident to the sale of service;

- ii) If the serviceman is registered under the Service Occupation Tax Act and has chosen not to separately state charges for tangible personal property on his bill, the serviceman must use 50% of the entire bill to the customer as the tax base. The base for calculating the credit is the amount of tax avoided (through the manufacturing machinery and equipment exemption) on 50% of the entire amount of the bill if qualifying tangible personal property is transferred incident to the sale of service;

- iii) If the serviceman qualifies as a "de minimis" serviceman and has chosen to be registered under the Service Occupation Tax Act, the serviceman's tax base is the cost price of the tangible personal property transferred incident to the sale of service. The base for calculating the credit is the amount of tax avoided (through the manufacturing machinery and equipment exemption) on the serviceman's cost price of the qualifying tangible personal property that is transferred incident to the sale of service;

- iv) If the serviceman qualifies as a "de minimis" serviceman and is not required nor has chosen to be registered under the Service Occupation Tax Act, the serviceman must pay Use Tax to his suppliers on his cost price of tangible personal property that is transferred incident to the sale of service. Customers of such a serviceman incur no Use Tax or Service Use Tax liability on their purchases. No tax is avoided (through the manufacturing machinery and equipment exemption) on this type of sale of service, and there is no tax base for calculating the credit.

- v) Credit may be earned on a purchase from an out-of-State serviceman only when the manufacturer would have incurred a Service Use Tax liability on the purchase if the manufacturing machinery and equipment exemption described in Section 130.330 had not been available. The manufacturer must maintain documentation, in the manufacturer's books and records, that the purchase would have resulted in Service Use Tax liability on the purchase if the manufacturing machinery and equipment exemption described in Section 130.330 had not been available. The amount of credit earned on such a purchase is

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

based on the separately stated charges for the tangible personal property transferred or, if none is so stated, then 50% of the serviceman's entire bill. No credit is earned on purchases from an out-of-State unregistered serviceman that qualifies as a "de minimis" serviceman.

- b) Using Manufacturer's Purchase Credit

- i) The credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act [35 ILCS 105/3-85] and Section 3-70 of the Service Use Tax Act [35 ILCS 110/3-70].) The credit may be applied only to the 6.25% State rate of tax incurred. Prior to the credit being earned, credit may not be used on a qualifying purchase, except as provided in subsection (e)(7)(B) below. However, the credit may be used the same day that it is earned, but must be followed by proper reporting of the credit as set out in subsections (c), (d), and (e) below. For purposes of when to use accumulated Manufacturer's Purchase Credit, a manufacturer is always safe to use the credit in a month after the month in which the credit was earned.

- 2) The credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer that earned the credit.

- A) A manufacturer may enter into a written contract with a construction contractor to authorize that construction contractor to utilize Manufacturer's Purchase Credit accumulated by the manufacturer for the purchase of tangible personal property to be installed into real estate within a manufacturing facility for use in a production related process. The written contract must specify the specific dollar amount of Manufacturer's Purchase Credit that the construction contractor is authorized to utilize on behalf of the manufacturer.

- B) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer when purchasing tangible personal property for installation into real estate within a manufacturing facility for use in a production related process, the contractor must furnish the supplier with information stating:

- i) The manufacturer's name and address;
 ii) The manufacturer's registration or resale number; and
 iii) A statement that a specific amount of Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the Manufacturer's Purchase Credit.

- C) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer when purchasing tangible personal

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

property for installation into real estate within a manufacturing facility, the contractor must furnish the manufacturer with information stating:

- i) Each vendor's or supplier's name and address (including, if applicable, either the vendor's or supplier's registration number or Federal Employer Identification Number);
- ii) The date of purchase, purchase price, and description of the tangible personal property purchased; and
- iii) The amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, that was satisfied by the Manufacturer's Purchase Credit utilized for each purchase.

D) A credit reported under a particular Illinois Business Tax number may not be transferred to a related but separately registered division or company.

3) Production related tangible personal property means all tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, and all tangible personal property used or consumed by a manufacturer in research and development regardless of use within or without a manufacturing facility. (See Section 3-85 of the Use Tax Act.)

4) By way of illustration and not limitation, the following uses of tangible personal property by a manufacturer in a manufacturing facility will be considered production related:

A) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process; or tangible personal property purchased by a construction contractor for incorporation into real estate within a manufacturing facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.

B) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, and adhesives.

C) Hand tools, protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.

D) Tangible personal property used or consumed for purposes of pre-production and post-production material handling, including material control, inventory control, storage, staging and packing for shipping or transportation.

5) By way of illustration and not limitation, the following uses of property will not be considered production related:

A) The use of trucks, trailers, and motor vehicles which are required to be titled or registered pursuant to the Illinois

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Motor Vehicle Code [625 ILCS 5] and aircraft or watercraft required to be registered with an agency of State or Federal government.

B) Office supplies, computers, desks, copiers and equipment which are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if such use takes place within a manufacturing facility.

C) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.

D) Tangible personal property used or consumed outside the manufacturing facility, including tangible personal property listed in subsection (b)(4)(D) above with the exception of tangible personal property used or consumed for research and development purposes.

E) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility, unless such purchase by the construction contractor was made on behalf of a manufacturer pursuant to a written contract described in subsection (b)(2)(A) of this Section.

6) The credit may be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability arising under audit where the liability established is the result of an erroneous claim of the Manufacturing Machinery and Equipment exemption provided in Section 2-45 of the Retailers' Occupation Tax Act, or where the manufacturer failed to self-assess and remit Use Tax or Service Use Tax on the purchase of production related tangible personal property. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) The credit may only be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. Under no circumstances may the credit be used to satisfy penalty and interest or other tax liability incurred by the manufacturer.

7) Credit may be used to satisfy the State portion (6.25%) of a qualifying Use Tax or Service Use Tax liability incurred by a manufacturer on a purchase of production related tangible personal property when payment of tax must be made directly to the Department.

8) The credit expires December 31st of the second calendar year following the calendar year in which the credit was earned. (See Section 3-95 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) However, for credit earned on or after June 30, 1995, the life of unreported credit may be extended during the period of an agreed extension of the statute of limitations as provided in subsection (e)(7) below.

9) A manufacturer may use credit to satisfy Service Use Tax liability only when purchasing production related tangible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- personal property transferred incident to a sale of service.
- c) Reporting Manufacturer's Purchase Credit Earned or Used for Periods from January 1, 1995 through June 29, 1995
- 1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment of credit used on a qualifying purchase, the manufacturer must report credit earned to the Department in a timely manner. Failure to report credit earned will result in expiration of the credit as of the date earned.
 - 2) On forms prescribed or approved by the Department, a manufacturer must report credit earned or used by the last day of the second month following the month of creation or use of the credit. No credit report is required for any month in which a manufacturer neither earned nor used credit. Original invoices or copies of original invoices are not to be filed with the Department.
 - 3) Credit Use or Misuse Causing Expiration of Credit. Credit used, whether properly or improperly, expires upon use and cannot be recreated once used. The manufacturer may be liable for tax, penalty and interest on the purchase of production related tangible personal property where expired credit was used, in accordance with provisions of the Uniform Penalty and Interest Act [35 ILCS 735]. The following represent examples of uses of credit that will result in expiration of the credit:
 - A) Failure to report credit or use of credit.
 - B) Failure to timely report credit or use of credit.
 - C) Use of credit prior to actually earning credit as described in subsection (a)(3) above.
 - D) Return of goods to supplier for full refund including tax where credit was tendered in payment of tax. Credit expires once used and cannot be recreated once used regardless of reason for return.
 - 4) A purchaser earning Manufacturer's Purchase Credit must maintain records, as to each purchase of manufacturing machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, that identify the following:
 - A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment; and
 - C) The amount of Manufacturer's Purchase Credit earned on that purchase.
 - 5) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:
 - A) The vendor or supplier (including, if applicable, either the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
- B) The date of purchase, purchase price, and description of the production related tangible personal property; and
 - C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.
- 6) As determined pursuant to audit by the Department, credit earned by purchase of exempt machinery and equipment that has not been timely and properly reported will result in expiration of the credit. Use of expired credit in this situation may result in an assessment for tax, penalty and interest on the subsequent purchase of production related tangible personal property. Credit that was properly reported when earned but was not timely and properly reported to the Department when used will likewise expire resulting in an assessment for tax, penalty and interest on the purchase of production related tangible personal property for which it was offered in payment of Use Tax or Service Use Tax liability.
- d) Reporting Manufacturer's Purchase Credit Earned or Used on June 30, 1995
- 1) The reporting requirements for Manufacturer's Purchase Credit were changed by Public Act 89-89, effective June 30, 1995. In order to provide consistent and easier reporting requirements for manufacturers utilizing Manufacturer's Purchase Credit and the Department's Administration of the Manufacturer's Purchase Credit program, manufacturers are required to report Manufacturer's Purchase Credit earned or used on June 30, 1995, under the methods described in subsection (c) of this Section. However, the Manufacturer's Purchase Credit earned or used on that date will be subject to the provisions described in subsection (e) of this Section without the necessity of including those Manufacturer's Purchase Credits in an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used.
 - 2) A manufacturer filing an amended Annual Manufacturer's Purchase Credit Report under subsection (e)(7) of this Section that includes Manufacturer's Purchase Credit earned or used on June 30, 1995, must disclose that such report includes Manufacturer's Purchase Credit earned or used on June 30, 1995.
- e) Reporting Manufacturer's Purchase Credit Earned or Used for periods on or after July 1, 1995
- 1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment, the manufacturer must report credit earned to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Manufacturer's Purchase Credit is earned. The Annual Report of Manufacturer's Purchase Credit Earned shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:

- A) The total purchase price of all purchases of exempt manufacturing machinery and equipment on which the credit was earned;
 - B) The total State Use Tax or Service Use Tax which would have been due on those items;
 - C) The percentage used to calculate the amount of credit earned;
 - D) The amount of credit earned; and
 - E) Such other information as the Department may reasonably require. (See Section 3-35 of the Use Tax Act.)
- 2) A purchaser earning Manufacturer's Purchase Credit must maintain records as to each purchase of manufacturing machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit that identify the following:
- A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment; and
 - C) The amount of Manufacturer's Purchase Credit earned on that purchase.

- 3) In order to validate credit used to satisfy the tax liability on purchases of production related tangible personal property, the manufacturer must report credit used to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is used. The Annual Report of Manufacturer's Purchase Credit Used shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:

- A) The total purchase price of all production related tangible personal property purchased from Illinois vendors or suppliers;
 - B) The total purchase price of all production related tangible personal property purchased from out-of-State vendors or suppliers;
 - C) The total amount of Manufacturer's Purchase Credit used during each month; and
 - D) Such other information as the Department may reasonably require. (See Section 3-85 of the Use Tax Act.)
- 4) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

- A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) The date of purchase, purchase price, and description of the production related tangible personal property; and
 - C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.
- 5) No Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department before May 1, 1996.
 - 6) A purchaser that fails to properly file an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used with the Department by the last day of the sixth month following the end of the calendar year forfeits all Manufacturer's Purchase Credit earned or used for that calendar year, unless the purchaser establishes that the purchaser's failure to file was due to reasonable cause.
 - 7) Annual Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases of manufacturing machinery and equipment not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a Notice of Tax Liability as provided in Section 4 of the Retailers' Occupation Tax Act. However, such an agreed extension will not restore a credit that has previously been reported and has expired prior to the agreed extension. Manufacturer's Purchase Credit that had not been previously reported and is included in an amended Annual Report submitted as a result of such an agreed extension will expire as provided in subsection (b)(8) of this Section or at the end of the agreed extension period, whichever is longer. If the time for assessment or refund has been extended by agreement, amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year of portion thereof has been extended. Manufacturer's Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act on:
- A) Qualifying purchases of production related tangible personal property made after the date the amended report is filed; or
 - B) Amounts assessed by the Department on purchases made on or after January 1, 1995, of machinery and equipment that did not qualify for the exemption described in Section 130.3 of this Part, but would have qualified as production related tangible personal property. The credit will be applied to the tax portion of the assessment liability as of the date

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

that the Department receives a written request by the purchaser directing the Department to apply the credit to the assessment liability.

- 8) A purchaser who used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability incurred on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of the purchase. However, the purchaser is entitled to use such disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage.

f) Retailers or Servicemen Accepting Manufacturer's Purchase Credit

- 1) In order to accept Manufacturer's Purchase Credit from a manufacturer, the supplier or serviceman must obtain a Manufacturer's Purchase Credit certificate from the manufacturer unless the manufacturer has incorporated its certification into the manufacturer's purchase order as described below. The manufacturer may provide the certification on a form provided by the Department or on the manufacturer's own form containing the appropriate information. The certificate must be kept in the supplier's or serviceman's books and records, but need not be submitted to the Department with the supplier's or serviceman's return. A Manufacturer's Purchase Credit certificate must contain the following information:

- A) A signed statement that the manufacturer is using available accumulated Manufacturer's Purchase Credit to satisfy all or part of the 6.25% portion of Use Tax or Service Use Tax liability incurred on a qualifying purchase of production related tangible personal property;
- B) The manufacturer's name and address;
- C) The manufacturer's registration number, if registered;
- D) The date of purchase of the production related tangible personal property; and
- E) The credit being used. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

- 2) A manufacturer may incorporate the Manufacturer's Purchase Credit certification into the manufacturer's purchase order if all of the required information is contained within that purchase order.

- 3) Manufacturer's Purchase Credit accepted by the supplier or serviceman may be used by the supplier or serviceman to satisfy its liability incurred under the Retailers' Occupation Tax Act or Service Occupation Tax Act, so long as the supplier or serviceman complies with the following:

- A) The supplier or serviceman may not accept credit in excess of 6.25% of the purchase price of qualifying production related tangible personal property. (See Section 3-85 of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

- B) The supplier or serviceman must properly report acceptance of the credit to the Department in order to be entitled to use of the credit in satisfaction of Retailers' Occupation Tax or Service Occupation Tax liability.

g) Lessors Earning and Using Manufacturer's Purchase Credit

- 1) A lessor leasing exempt manufacturing machinery and equipment to a manufacturer may earn Manufacturer's Purchase Credit when purchasing such machinery and equipment, in the same manner as a manufacturer.

- 2) A lessor leasing qualifying production related tangible personal property to a manufacturer may use Manufacturer's Purchase Credit when purchasing such qualifying property in the same manner as a manufacturer. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

- 3) A lessor of exempt machinery and equipment and qualifying production related tangible personal property must report the accumulation and use of credit in the same manner as required for manufacturers.

- 4) Since the Manufacturer's Purchase Credit is a non-transferable credit, a lessor may not use credit earned by a lessee, nor may a lessor transfer credit it has earned to a lessee.

(Source: Added at 20 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Alternative Loan Program

2) Code Citation: 23 Ill. Adm. Code 2721

3) Section Numbers:

2721.10	New
2721.20	New
2721.30	New
2721.40	New
2721.50	New
2721.60	New
2721.70	New

Proposed Action:

4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

5) A Complete Description of the Subjects and Issues Involved: These proposed rules will govern the administration of the new Alternative Loan Program, which supplements existing State and federal student financial assistance programs. This rulemaking sets forth the eligibility criteria for borrowers and educational institutions, program procedures for disbursement and repayment, and the fees to be charged in connection with the making of these loans.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local resources.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Rachel B. Martner
Compliance Counsel

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the two most recent regulatory agendas because: First, the law on which this program is based (P.A. 89-442) was not signed by the Governor until December 1995, thus precluding it from being published in July 1995. Second, the policies, procedures and systems necessary to support a pilot program of alternative loans had not been developed in time for it to be addressed in the January 1996 Regulatory Agenda.

The full text of the proposed rules is identical to the text of the emergency rules appearing on page 8068.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Relative Home Placement
- 2) Code Citation: 89 Ill. Adm. Code 335
- 3) Section Numbers: Adopted Action:
335.100 Adopt
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Rulemaking: May 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? Yes
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 29, 1996
- 9) Notice of Proposal Published in Illinois Register: January 12, 1996, 20 Ill. Reg. 658
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: At the end of Subsection (a), the word "or until September 30, 1995, whichever occurs first" were deleted.

Immediately following Subsection (b) an Agency Note was added which describes the ruling of the United States District Court for the Northern District of Illinois in the case of Youakim vs. McDonald.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments continue Federal Financial Participation for approved relatives seeking licensure as foster homes by extending the date of the automatic repealer to December 31, 1996. The amendments are the result of a ruling issued by the United States District Court for the Northern District of Illinois in the case of Youakim vs. McDonald.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jacqueline Nottingham, Chief

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe St. Station #222
 Springfield, IL 62701-1498
 (217) 524-1983
 TTY: (217) 524-3715

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335

RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
335.100 Purpose
335.102 Definitions (Repealed)

SUBPART B: PLACEMENT

Section
335.200 Identification and Selection of Relative Placements (Repealed)
335.202 Placement Pre-conditions (Repealed)
335.204 Continuation of Placement (Repealed)
335.206 Required Notices and Information (Repealed)
335.208 Payment Provisions (Repealed)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
335.300 Provisions Pertaining To Approval (Repealed)
335.302 Safety Requirements for the Relative Family Home (Repealed)
335.304 Requirements For Sleeping Arrangements (Repealed)
335.306 Nutrition and Meals (Repealed)
335.308 Business and Employment of Relative Foster Parents (Repealed)
335.310 Qualifications of Relative Family Home (Repealed)
335.312 Background Inquiry (Repealed)
335.314 Health of Relative Family (Repealed)
335.316 Number of Children Served (Repealed)
335.318 Meeting Basic Needs of Related Children (Repealed)
335.320 Health Care of Related Children (Repealed)
335.322 Religion (Repealed)
335.324 Education (Repealed)
335.326 Discipline of Related Children (Repealed)
335.328 Emergency Care of Related Children (Repealed)
335.330 Release of Children (Repealed)
335.332 Confidentiality of Information (Repealed)
335.334 Required Written Consents (Repealed)
335.336 Records To Be Maintained (Repealed)
335.338 Cooperation with the Supervising Agency and the Department (Repealed)
335.340 Severability of This Part (Repealed)

APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969 (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] (see Public Act 89-21).

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14136, effective August 31, 1994, for a maximum of 150 days; emergency expired January 30, 1995; amended at 19 Ill. Reg. 6204, effective April 12, 1995; emergency amendment at 19 Ill. Reg. 10201, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10502, effective July 1, 1995; amended at 19 Ill. Reg. 13204, effective September 1, 1995; emergency amendment at 20 Ill. Reg. 920, effective December 29, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 7795, effective MAY 2 1996.

SUBPART A: GENERAL PROVISIONS

Section 335.100 Purpose

a) Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department of Children and Family Services at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home continue to be approved and may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied ~~or until--September--30,--1995,--whichever--occurs first~~. [20 ILCS 505/5(u-5)]

b) This Section is automatically repealed after all administrative appeals on this matter have been exhausted, but in no event later than December 31, 1996 ~~January 1, 1996~~.

Agency Note: The United States District Court for the Northern District of Illinois has ruled in the case of Youakim vs. McDonald that approved relative caregivers who submitted applications for licensure as a foster family home by July 1, 1995 must continue to receive the full foster care rate until the Department determines whether their application for licensure is approved or denied. The Court ruled that the establishment of a deadline was unconstitutional. Thus the deadline of September 30, 1995 has been deleted.

(Source: Amended at 20 Ill. Reg. 7795, effective MAY 2 1996.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

<u>Section Numbers:</u>	<u>Proposed Action:</u>
110.50	Amendment
110.94	New Section
110.95	New Section
110.100	Repealed
110.101	New Section
110.102	New Section
110.103	New Section
110.104	New Section
110.105	Repealed
110.110	Amendment

4) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 U.S.C.A. 5301) and Section 46.37 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37]; and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

5) Effective Date of Amendments: May 29, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 29, 1996

9) Notice of Proposal Published in Illinois Register: January 19, 1996 (20 Ill. Reg. 947)

10) Has JCAR issued a Statement of objections to these amendments? No

11) Differences between proposal and final version: The proposal and final versions of the rule are identical.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) A Complete Description of the Subjects and Issues Involved: This

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

rulemaking revises the program rules for the Community Development Assistance Program.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Brenda Lee Yager
Department of Commerce and Community Affairs
Bureau of Community Development
620 East Adams Street, 5th Floor
Springfield, Illinois 62701
Telephone Number: (217) 785-6174
T.D.D. Number: (217) 785-6055

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section

110.10	Legislative Base
110.20	Purpose and Scope
110.30	Definitions
110.35	Incorporation by Reference
110.40	Federal/State Program Objectives
110.50	Eligible Applicants
110.60	Eligible/Ineligible Projects and Activities
110.70	Grant Application Process
110.80	Funding
110.90	Set-Aside for Emergency Public Facilities Component
110.91	General Economic Development Component
110.92	Competitive Public Facilities Component
110.93	Competitive Housing Rehabilitation Component
110.94	Competitive Planning Assistance Component
110.95	Competitive Removal of Architectural Barriers Component
110.100	Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101	Application Evaluation for Competitive Planning Assistance Component
110.102	Application Evaluation for Competitive Removal of Architectural Barriers Component
110.103	Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104	Application Evaluation for Competitive Housing Rehabilitation Component
110.105	Small Business Financing Component (Repealed)
110.110	Administrative Requirements
110.120	Nondiscrimination
110.130	Complaint Process

SUBPART B: REVOLVING LOAN FUNDS

Section

110.210	Purpose
110.220	Definitions
110.230	Recapture Strategy Requirements
110.240	RLF Administration
110.250	Use of RLF Funds
110.260	Requirements for RLF Projects

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

110.270	Administrative Costs
110.280	RLF Fundability Analysis
110.290	RLF Loan Closings
110.300	Security
110.310	Disbursement of RLF Funds
110.320	RLF Loan Monitoring
110.330	Recordkeeping and Reporting
110.340	Department Monitoring
110.350	Evaluation of Performance
110.360	Program Income Subject to the Act

AUTHORITY: Implementing Section 46.37 and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37 and 46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. 20106, effective December 14, 1992; amended at 20 Ill. Reg. ~~7799~~, effective MAY 2, 2004

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section 110.50 Eligible Applicants

- a) Only units of local government may apply for funding. Municipalities must be less than 50,000 in population. Counties and townships that are not participating in the Urban County Entitlement Program of the U.S. Department of Housing and Urban Development are also eligible to apply for block grant funds.
- b) Because of eligibility requirements and administrative capacity, certain unincorporated areas and special districts may not qualify for participation by themselves. In such instances, general purpose units of local government ~~counties~~ will be allowed to submit applications on behalf of otherwise ineligible special districts and unincorporated areas provided the unit of general local government determines that the activity is meeting its needs in accordance with Section 106 (d)(2)(D) of the Housing and Community Development Act of 1974, as amended.
- c) In situations where ~~two~~ or more eligible local governments face a common problem, a joint application may be submitted under the following conditions:
 - 1) the solution of the problem requires mutual action and is not intended for administrative convenience; and
 - 2) the eligible local governments involved have contacted the Department of Commerce and Community Affairs for prior approval

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- of such an arrangement before actual application submission.
- d) An "on behalf of" or joint application may not be filed for an entitlement city or a city located in an entitlement county.
- e) In the event that either an "on behalf of" or joint application will be filed, the local governments involved must submit an executed cooperation agreement with its application for funds that define grantee responsibilities, should the application be successful.

(Source: Amended at 20 Ill. Reg. 7799, effective MAY 29 1996)

Section 110.94 Competitive Planning Assistance Component

The competitive planning assistance component is designed to fund planning-type projects which are construction-oriented. Projects must assist primarily persons of low- to moderate-income, or persons who are members of eligible "limited clientele" groups. Applications are due on an annual basis.

- a) **Project Eligibility Criteria** - For a project to be eligible for funding under this component, applicants must document the following:

- 1) The project will benefit a minimum of 51 percent of low- to moderate-income persons (as defined in Section 110.30) or will benefit an eligible group of the population under a limited clientele activity (as defined in Section 110.30).
- 2) The planning activity will address an existing construction-oriented problem within the community.

- 3) The proposed project can be accomplished in a reasonable timeframe and consideration has been given to what resources are necessary to complete the project.

b) **Application Review and Approval**

- 1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.101 of this Part.
- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.
- 3) Applications will be reviewed in accordance with Section 110.101 of this Part.

(Source: Added at 20 Ill. Reg. 7799, effective MAY 29 1996)

Section 110.95 Competitive Removal of Architectural Barriers Component

The competitive removal of architectural barriers component is designed to assist communities in undertaking projects to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons. Applications are due on an annual basis.

- a) **Project Eligibility Criteria** - For a project to be eligible for funding under this component, applicants must document the following:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) The applicant has completed a self-evaluation/transition plan (as defined in Section 110.30) and the request for funds is based upon the results of that plan.

- 2) The community has made local efforts and contributions towards removing barriers to services and it would be a severe financial burden if they were not assisted with CDAP funds.

- 3) The community has considered all alternatives, including non-structural solutions, and has prioritized items based upon need and impact.

- 4) The proposed project can be accomplished in a reasonable timeframe and consideration has been given to what resources are necessary to complete the project.

b) **Application Review and Approval**

- 1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.102 of this Part.

- 2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.

- 3) Applications will be reviewed in accordance with Section 110.102 of this Part.

(Source: Added at 20 Ill. Reg. 7799, effective MAY 29 1996)

Section 110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)a) **Explanation of Application-Ranking-System**

Applicants will compete in a formalized ranking system. Applications will be ranked in three areas: Project-Benefit-to-low-and-moderate-income persons and resource-leveraging-separate-and-distinct project-benefit-ranking-criteria have been developed for the Housing Rehabilitation and Public-Facilities Program. The Department will review applications for ranking and selection according to the criteria described in this Section. The Department will then select projects for funding out of the top ranking projects as determined under subsection (b)(2) until all available funds are expended.

- b) **Criteria for Selection of Applications**
- 1) The analysts will evaluate the project need according to its impact on program-benefit-to-low-and-moderate-income persons and resource-leveraging-utilizing the ranking system for each program contained in subsections (c) and (d).

2) **Comparative Assessment of Applications**

a) The Department will initially screen and identify top ranking CDAP applications. Projects will be ranked in the categories of maximum-moderate minimum or no rating as described in subsections (c) and (d). Maximum ratings do not insure that the project will be funded. The Department will

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

then conduct intensive evaluations leading to the CBAP grant award decisions. Beneficiaries will conduct field visits and analyze project characteristics including: it appropriate assessment of project activity flow and moderate income beneficiary resource leveraging efforts; it verification of submitted application information; it a thorough analysis of the projects readiness to proceed and it determination of the applicants' previous efforts to address their problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed project. Applications with a competitive rating ranked according to the criteria described in Section 111.00(b)(1) and (3) of the Public Code shall be selected for a final funding review. The selection review shall be a thorough review of the project's financial plan, including a detailed budget and a cash flow statement.

C) Public facilities, such as day care centers, shall be a priority for funding. The Department shall give priority to projects that provide for the care and supervision of children.

D) The Department shall give priority to projects that provide for the care and supervision of children.

E) The Department shall give priority to projects that provide for the care and supervision of children.

F) The Department shall give priority to projects that provide for the care and supervision of children.

G) The Department shall give priority to projects that provide for the care and supervision of children.

H) The Department shall give priority to projects that provide for the care and supervision of children.

I) The Department shall give priority to projects that provide for the care and supervision of children.

J) The Department shall give priority to projects that provide for the care and supervision of children.

K) The Department shall give priority to projects that provide for the care and supervision of children.

L) The Department shall give priority to projects that provide for the care and supervision of children.

M) The Department shall give priority to projects that provide for the care and supervision of children.

N) The Department shall give priority to projects that provide for the care and supervision of children.

O) The Department shall give priority to projects that provide for the care and supervision of children.

P) The Department shall give priority to projects that provide for the care and supervision of children.

Q) The Department shall give priority to projects that provide for the care and supervision of children.

R) The Department shall give priority to projects that provide for the care and supervision of children.

S) The Department shall give priority to projects that provide for the care and supervision of children.

T) The Department shall give priority to projects that provide for the care and supervision of children.

U) The Department shall give priority to projects that provide for the care and supervision of children.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

text(A) through (F) However, subsections text(A) through (F) and (G) must be jointly met to achieve a minimum rating.

E) An application shall receive a minimum impact rating if the project only minimally addresses an economic development need. Any two of the public facilities resource leveraging efforts shall be met. In addition, the project must be jointly met.

B) An application shall receive an average impact rating if it meets two of the public facilities resource leveraging efforts and the project must be jointly met.

2) Benefit to Low and Moderate Income Persons A) Maximum benefit rating shall be received if a project of personal concern to a low income person is selected.

B) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

C) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

D) No benefit rating shall be received if a project of personal concern to a low income person is selected.

3) Resource Leveraging A) Maximum benefit rating shall be received if a project of personal concern to a low income person is selected.

B) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

C) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

D) No benefit rating shall be received if a project of personal concern to a low income person is selected.

E) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

F) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

G) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

H) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

I) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

J) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

K) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

L) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

M) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

N) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

O) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

P) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

Q) Moderate benefit rating shall be received if a project of personal concern to a low income person is selected.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- B) An application shall receive a moderate impact rating if the project only moderately addresses the criteria or does not fully meet any one of the criteria described in subsections (d)(1) through (iv) of this Part. Criteria identified in subsections (d)(1) through (iv) of this Part, however, must be fully met.
- E) An application shall receive a minimal impact rating if the project only minimally addresses the housing benefit criteria. Areas identified in subsections (d)(1) through (iv) of this Part, however, must be fully met to even qualify for the minimal rating.
- B) An application shall receive an insignificant impact rating if it fails to meet the standards of subsections (d)(1) through (iv).
- 2) Benefit to Low- and Moderate-Income Persons
- A) Maximum benefit rating shall be received if 90-100 percent of persons benefiting are low-to-moderate income.
- B) Moderate benefit rating shall be received if 70-89 percent and
- E) Minimum benefit rating shall be received if 51-69 percent and
- B) No benefit rating shall be received if 50 percent or less.
- 3) Resource-Leveraging
- A) Maximum resource-leveraging rating shall be received if 25 percent or more of requested CBAP funds will be funded from other public-private sources.
- B) Moderate resource-leveraging rating shall be received if 15 percent or more of requested CBAP funds will be funded from other public-private sources.
- E) Minimum resource-leveraging rating shall be received if it is documented that, despite the lack of leverage, the community made a concerted effort to secure the additional resources, and
- B) No resource-leveraging rating shall be received if the applicant did not make efforts to secure additional resources, despite its leveraging potential.

(Source: Repealed at 20 Ill. Reg. 2799, effective MAY 24 1996)

Section 110.101 Application Evaluation for Competitive Planning Assistance Component

- a) Explanation of Application Ranking System
- Applicants will compete in a formalized ranking system. Applications will be ranked in 4 areas: Problem Statement, Project Strategy, Work Plan/Budget, and Benefit to Low- and Moderate-Income Persons. The Department will review applications for ranking and selection

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Projects

- i) The analysis will evaluate project need, according to its impact on program benefit and benefit to low- and moderate-income persons utilizing the ranking system contained in subsection (c). Comparative Assessment of Applications
- A) The Department will initially screen and identify top ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsection (c). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will analyze project characteristics including:
- i) a comparative assessment of projects -- e.g., low- and moderate-income benefits, local contribution, etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of the project's readiness to proceed; and
- iv) a determination of the applicant's previous efforts to address its problems.
- B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in this subsection (b) to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures.
- c) Ranking Criteria
- i) Impact on Planning Needs
- A) An application shall receive a maximum rating if it has fully:
- i) Identified a specific problem and its cause or source, including information on persons affected, long-term consequences if no action is taken, and local efforts that have taken place to solve it.
- ii) Proposed a strategy which will lead to completion of the planning activity, including discussion of why it is the most appropriate approach and how it will benefit primarily low- to moderate-income persons.
- iii) Outlined specific activities, timeframes, costs, responsible parties, and outcomes, including an explanation of how they were determined and how the timeframe and budget are reasonable and appropriate.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- fully meet any one of the criteria in subsection (c)(1)(A).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (c)(1)(A).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (c)(1)(A).
- 2) Benefit to Low- and Moderate-Income Persons
- A) A maximum rating shall be received if 71-100 percent of the persons benefiting are low- to moderate-income.
- B) A moderate rating shall be received if 61-70 percent of persons benefiting are low- to moderate-income.
- C) A minimum rating shall be received if 51-60 percent of persons benefiting are low- to moderate-income.
- D) No benefit rating shall be received if fewer than 51 percent are low- to moderate-income persons.

(Source: Added at 20 Ill. Reg. ~~7799~~ effective

MAY 29 1996)

Section 110.102 Application Evaluation for Competitive Removal of Architectural Barriers Component

- a) Explanation of Application Ranking System
- Applicants will compete in a formalized ranking system. Applications will be ranked in 4 areas: Self-Evaluation/ Transition Plan, Problem Summary, Project Plan, and Work Budget. The Department will review applications for ranking and project selection according to the criteria described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until available funds are expended.
- b) Criteria for Selection of Projects
- 1) The analysis will begin with a determination that applicants have completed a Self-Evaluation/Transition Plan (as defined in Section 110.30). Applicants failing to comply with this requirement will not advance to the comparative assessment of applications as determined under subsection (b)(2).
- 2) Comparative Assessment of Applications
- A) The Department will initially screen and identify top-ranking CDAP applications. Projects will be ranked in the categories of maximum, moderate, minimum, or no rating as described in subsection (c) of this Section. Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff will analyze project characteristics including:
- i) a comparative assessment of projects -- e.g., extent of severity of architectural barriers, financial need,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of the project's readiness to proceed; and
- iv) a determination of the applicant's previous efforts to address its problems.
- B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in this subsection (b) to help determine the final funding levels. The Department reserves the right to negotiate the final funding figures.
- C) Ranking Criteria
- 1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score:
- A) Estimates of average unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
- B) Percentage of people in poverty according to United States Census Bureau data.
- 2) Problem Summary
- A) An application shall receive a maximum rating if it has fully:
- i) Described the efforts that have previously taken place with local funds, including structural and non-structural activities to make services more accessible;
- ii) Described any consultation efforts with individuals with disabilities, or organizations representing such persons, in the preparation of the Self Evaluation/Transition Plan; and
- iii) Documented that it would be a severe financial burden upon the applicant if the project were not assisted with CDAP funds.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet one of the criteria in subsection (c)(2)(A).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (c)(2)(A).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (c)(2)(A).
- 3) Project Plan
- A) An application shall receive a maximum rating if it has fully:
- i) Described all of the alternatives considered prior to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

submitting the application, including a discussion of non-physical alternatives considered versus physical improvements;

ii) Explained prioritization of the selected improvements and justification as to why this activity provides direct access to a general government service; and

iii) Described any in-kind or financial contributions from the applicant to this project.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (c)(3)(A).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (c)(3)(A).

D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (c)(3)(A).

4) Project Activity Budget

A) An application shall receive a maximum rating if it has fully justified the reasonableness and appropriateness of the budget, considering the scope, substance, and duration of the proposed project.

B) An application shall receive a moderate rating if the project only "moderately" addresses the criterion in subsection (c)(4)(A).

C) An application shall receive a minimum rating if the project only "minimally" addresses the criterion in subsection (c)(4)(A).

D) An application shall receive a "no rating" if it fails to fully meet the standard in subsection (c)(4)(A).

(Source: Added at 20 Ill. Reg. **7799** = effective

MAY 24 1996)

Section 110.103 Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component

a) Explanation of Application Ranking System

1) Applicants will compete in a formalized ranking system. Applications will undergo an initial review to determine eligibility in 4 areas: Benefit to Low- and Moderate-Income Persons, Documentation of Threat to Health and Safety, Evidence of Project Readiness and Leverage Funds. Upon meeting the minimum eligibility thresholds, applications will compete in a formalized ranking system.

2) Applications will be ranked in 4 areas: Community Need, Urgency of Need, Need for Financial Assistance and Benefit to Low- and Moderate-Income Persons. The Department will review applications for ranking and project selection according to the criteria

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

described in this Section. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Projects

1) The analysis will evaluate project need, according to its impact on program benefit and benefit to low- to moderate-income persons utilizing the ranking system contained in subsection (d).

2) Comparative Assessment of Applications

A) The Department will screen and identify top ranking CDAP applications. Projects will be ranked in categories of maximum, moderate, minimum, or no rating as described in subsection (d). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decision. Department staff may conduct field visits and will analyze project characteristics, including:

i) a comparative assessment of projects -- e.g., low- to moderate-income benefits, local contribution, etc.;

ii) a verification of submitted application information;

iii) a thorough analysis of the project's readiness to proceed; and

iv) a determination of the applicant's previous efforts to address its problems.

B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in this subsection (b) to determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Eligibility Thresholds

1) Benefit to Low- and Moderate-Income Persons: Applications must document that the project will benefit at least 51 percent low- to moderate-income persons and that, as applicable, no special assessments will be levied against residential structures owned and occupied by low- and moderate-income persons and that provisions are made to hook up these residences to water and sewer systems. Applications which do not document benefit to low- to moderate-income persons will not be considered further.

2) Documentation of Threat to Health and Safety: Applications must include documentation verifying that the project addresses a threat to health and safety. Applications which do not document threat to health and safety will not be considered further.

3) Evidence of Project Readiness: Applications must demonstrate that the project is appropriate and achievable and that all actions have been completed to ensure timely implementation of the project. Applications which do not document project readiness will not be considered further.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 4) Leverage Funds: Applications must provide evidence that at least 25 percent of non-administrative project costs will be provided from non-CDAP sources.

d) Ranking Criteria

- 1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score:

- A) Estimates of average unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
B) Percentage of people in poverty according to United States Census Bureau data.

2) Urgency of Need

- A) An application shall receive a maximum rating if it has fully:

- i) documented that a serious deficiency exists in a community's public facility or that the community lacks the facility entirely;
ii) identified problems clearly attributable to the deficiency have occurred, such as serious illness, disease outbreak, or serious environmental pollution; and
iii) identified that the problem is existing, continual and chronic as opposed to occasional, sporadic or probable.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(2)(A).

- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(2)(A).

- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(2)(A).

3) Need for Financial Assistance

- A) An application shall receive a maximum rating if it has fully:

- i) documented that all avenues of funding the project with local revenues have been exhausted;
ii) documented that the proposed project could not reasonably be accomplished without CDAP assistance;
iii) documented that the proposed level of local financial participation is the maximum that can be reasonably expected;
iv) documented substantial past efforts to deal with the public facility need with local financial resources, such as tax increases or user fee rate increases; and
v) demonstrated that reasonable efforts have been made to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

secure additional funds from other appropriate State and federal agencies.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(3)(A).

- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(3)(A).

- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(3)(A).

4) Benefit to Low- and Moderate-Income Persons

- A) A maximum rating shall be received if 71-100 percent of the persons benefiting are low- to moderate-income.

- B) A moderate rating shall be received if 61-70 percent of persons benefiting are low- to moderate-income.

- C) A minimum rating shall be received if 51-60 percent of persons benefiting are low- to moderate-income.

(Source: Added at 20 Ill. Reg. 3799 effective MAY 29 1996)

Section 110.104 Application Evaluation for Competitive Housing Rehabilitation Component

a) Explanation of Application Ranking System

- 1) Applicants will compete in a formalized ranking system. Applications will undergo an initial review to determine eligibility in 2 areas: Benefit to Low- and Moderate-Income Persons and Leverage Funds. Upon meeting the minimum eligibility thresholds, applications will compete in a formalized ranking system.

- 2) Applications will be ranked in 5 areas: Community Need, Project Need, Project Impact, Evidence of Coordination of Resources, and Project Readiness. The Department will then select projects for funding out of the top-ranking projects as determined under subsection (b)(2) until all available funds are expended.

b) Criteria for Selection of Projects

- 1) The analysis will evaluate project need, according to its impact on program benefit and benefit to low- to moderate-income persons utilizing the ranking system contained in subsection (d).

2) Comparative Assessment of Applications

- A) The Department will screen and identify top ranking CDAP applications. Projects will be ranked in categories of maximum, moderate, minimum or no rating as described in subsection (d). Maximum ratings do not guarantee that a project will receive funding. The Department will then conduct intensive evaluations, leading to the CDAP grant award decisions. Department staff may conduct field visits

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

and will analyze project characteristics, including:

- i) a comparative assessment of projects -- e.g., project impact, local contribution, community need, etc.;
- ii) a verification of submitted application information;
- iii) a thorough analysis of the project's readiness to proceed; and
- iv) a determination of the applicant's previous efforts to address its problems.

- B) Actual funding levels will relate closely to the competitiveness of the proposed projects. Applications will be comparatively ranked according to the criteria described in this subsection (b) to determine the final funding levels. The Department reserves the right to negotiate the final funding figures.

c) Eligibility Thresholds

- 1) Benefit to Low- and Moderate-Income Persons: Applications must document that the project will benefit 100 percent low-to moderate-income persons. Applications which do not document benefit to low- to moderate-income persons will not be considered further.

- 2) Leverage Funds: Applications must provide evidence that at least 25 percent of non-administrative housing rehabilitation costs will be provided from non-CDAP sources.

d) Ranking Criteria

- 1) Community Need: This criterion is an objective measure of relative poverty and economic distress designed to give some priority to applicants with the highest level of need. The following 2 indicators will be equally weighted and given a numerical score:
 - A) Estimates of average unemployment in Illinois, by county, based upon Illinois Department of Employment Security data.
 - B) Percentage of people in poverty according to United States Census Bureau data.

2) Project Need

- A) An application shall receive a maximum rating if it has fully:
 - i) demonstrated that the extent of housing deficiencies is widespread and serious and the percentage of substandard units occupied by low- to moderate-income persons is high relative to the total number of households in the area;
 - ii) identified specific local conditions that have contributed or are contributing to the deterioration or lack of affordable housing; and
 - iii) described previous efforts to address housing problems that have not resolved the housing deficiencies, including a description of why the efforts failed to solve the problem.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(2)(A).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(2)(A).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(2)(A).

3) Project Impact

- A) An application shall receive a maximum rating if it has fully:
 - i) demonstrated that a substantial number of the housing units in need of rehabilitation in the identified project area will be repaired;
 - ii) demonstrated that the proposed housing rehabilitation project addresses the identified needs and deficiencies and moves to resolve the problems; and
 - iii) outlined how the targeted need or area is clearly distinguished from the overall housing needs in the community.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(3)(A).

C)

- An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(3)(A).

- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(3)(A).

4) Evidence of Coordination of Resources

- A) An application shall receive a maximum rating if it has fully:
 - i) explained the use of all available resources including a description of local efforts to revitalize the area to achieve maximum impact upon the targeted need or area; and
 - ii) described the extent to which the proposed project represents the most effective option for achieving maximum impact.

- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(4)(A).

- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(4)(A).

- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(4)(A).

5) Project Readiness

- A) An application shall receive a maximum rating if it has

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

fully:

- i) developed a preliminary list of qualified general contractors which have expressed an interest in, and are available to perform, the proposed rehabilitation activity;
 - ii) demonstrated substantial homeowner interest in both loan and/or grant portions of the identified project;
 - iii) documented that operational procedures and administrative structure have been established at the local level;
 - iv) documented that qualifications of, and procedures for selection of, housing inspector(s) have been established;
 - v) identified the specific types of, and priorities given to, work to be performed, including cost estimates;
 - vi) established clear and measurable rehabilitation standards and proposed a reasonable implementation schedule;
 - vii) included a description of the local application process that identified how the targeted population will be notified and encouraged to apply; and
 - viii) developed preliminary financing plans, such as a commitment of leverage funds and a financing structure that considers residents' incomes.
- B) An application shall receive a moderate rating if the project only "moderately" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(5)(A).
- C) An application shall receive a minimum rating if the project only "minimally" addresses the criteria or does not fully meet any one of the criteria in subsection (d)(5)(A).
- D) An application shall receive a "no rating" if it fails to fully meet the standards in subsection (d)(5)(A).
- (Source: Added at 20 Ill. Reg. 7799, effective MAY 24, 2006.)

Section 110.105 Small Business Financing Component (Repealed)

The purpose of this component is to help small businesses which need access to low-interest, fixed-rate financing to create or retain jobs. Funds will be made available on an as-needed basis on a noncompetitive process until all funds are obligated.

- a) Project Eligibility Criteria -- For a project to be eligible for funding under this component, applicants must document the following:
- 1) At minimum, 25 percent of persons benefiting from the project will be low- to moderate-income as defined in Section 110.100 of this Part;
 - 2) Program funds will be limited to 20 percent of the total project

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- cost and will not exceed the established grant ceiling pursuant to Section 110.80 of this Part.
- 3) Proposals also must provide documentation revealing financial feasibility from other financial servicing institutions, bank commitment letters, must state loan terms, amortization schedule, interest rates, and conditions of its participation, and the reasons why it cannot finance the entire project, as well as financial statement from the participating firm, to prove the project's viability and to indicate that the project could not proceed without the infusion of EBAP assistance. Also, required shall be a cash-flow analysis pro forma statement that projects at a minimum the first year's operations with the proposed loan funds as defined in Section 110.30 of this Part;
 - b) Application Review and Approval
 - 1) The procedures for application review and approval are the same as those specified in Section 110.31(b);
 - 2) Proposals will be looked upon favorably that have a very high ratio of jobs created retained to the amount of grant funds being requested; the fewer the grant dollars per job created, the more favorably the proposal will be viewed; the community should seek to leverage as many other sources of funds as possible, either public or private.

(Source: Repealed at 20 Ill. Reg. 7799, effective MAY 24, 2006.)

Section 110.110 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation. The method of compensation shall be in accordance with the applicable State laws relative to such compensation by which the Department is governed. Payments to the grantee are subject to the receipt of invoice vouchers. The first payment for program initiation may be an advance and should be the amount necessary to meet the first month's non-administrative cost needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the non-administrative expenditures to date as well as the cash needs of the grantee for the next 30 days. Administrative costs may be drawn as described above, or the grantee may draw down administrative needs in equal, quarterly increments. Each invoice voucher shall be certified to the effect that the grantee has performed in conformance with the Grant Document and that it is entitled to receive the amount requisitioned.
- b) Reporting -- An Expenditure Summary and Payment Request form shall be submitted to the Department with each invoice voucher on or before the fifteenth calendar day of each month after the first month of the program year, using terms provided by the Department.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

c) Procurement - Procurement shall be conducted in accordance with 24 CFR Part 85 "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments."

d) Records - CDAP records shall be maintained in accordance with 24 CFR Part 85 of the Illinois Local Records Act [50 ILCS 205] and 24 CFR 570.490 (1992) and are subject to the Freedom of Information Act [5 ILCS 140].

e) Financial Management
1) Grantees shall comply with financial management procedures provided in OMB Circular A-87, "Cost Principles for State and Local Governments," published May 4, 1995, and standards promulgated by the American Institute of Certified Public Accountants (AICPA).

2) Audits shall be conducted in accordance with the Comptroller General's Standards for Audits of Governmental Organizations, Programs, Activities, or Functions, and the General Accounting Office's Guidelines for Financial and Compliance Audits of Federally Assisted Programs.

f) Bonding and Insurance

1) Grantees shall obtain a fidelity bond for each employee or official with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in an amount at least equal to the total amount of the project assets which would be available to the project at any time.

2) Grantees shall comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973, P.L. 93-234, approved December 31, 1973.

(Source: Amended at 20 Ill. Reg. **7799** : **7** effective

MAY 2 1996)

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedural Rules

2) Code Citation: 56 Ill. Adm. Code 5300

3) Section Numbers: Adopted Action:

5300.40	Amendment
5300.210	Amendment
5300.220	Amendment
5300.400	New Section
5300.515	New Section
5300.520	Amendment
5300.530	Amendment
5300.625	Amendment
5300.650	Amendment
5300.660	Amendment
5300.710	Amendment
5300.715	New Section
5300.720	Amendment
5300.725	Amendment
5300.730	Amendment
5300.735	Amendment
5300.750	Amendment
5300.760	Amendment
5300.762	New Section
5300.765	Amendment
5300.910	Amendment
5300.945	Amendment
5300.950	Amendment
5300.1110	Amendment
5300.1120	Amendment
5300.1140	Amendment
5300.1145	Amendment
5300.1150	Amendment
5300.1170	Amendment

4) Statutory Authority: Implementing P.A.s 89-348 and 89-370 and authorized by Section 8-102(E) of the Human Rights Act [775 ILCS 5/8-102(E)].

5) Effective Date of Rulemaking: June 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 1, 1996

9) Notice of Proposal Published in Illinois Register: January 5, 1996 at 20 Ill. Reg. 97

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In response to a comment, the Commission agreed to put in language which indicates that the parties "knowingly and voluntarily" waive certain rights when they sign the stipulation to proceed under the Alternative Hearing Procedure in Section 5300.515(f). In addition, the Commission agreed to make numerous non-substantive changes in order to make the style of the Rules consistent with that of the rest of the Administrative Code.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These rule changes are being made to implement P.A. 89-348 and 89-370, which make extensive changes to the Human Rights Act. The amendments change the Commission's procedural rules in the following ways:

- a) The amendments add new Sections and modify other Sections to provide for an alternative hearing procedure where there is not right to appeal the decision of the administrative law judge. A simplified, alternative hearing procedure is specifically authorized by P.A. 89-370.
- b) The amendments clarify that where a subpoena is served on a non-party, both the subject of the subpoena and the other party have standing to object to the subpoena.
- c) The amendments clarify that where the Department of Human Rights has filed a complaint, the Department would have the authority to move to amend that complaint. The amended rules also provide that if a complaint is amended, it is up to either the complainant or the Department of Human Rights to serve the amended complaint on the other parties.
- d) The amendments clarify that although the types of discovery available to the parties are the same as in circuit court (except for discovery depositions), the procedure for obtaining that discovery is governed by Commission rule, not the Code of Civil Procedure.
- e) The amendments change the procedural rules to conform with the amendment to the Human Rights Act which provides that an administrative law judge may not preclude the filing of a motion for summary decision except within the 60-day period prior to the date set

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- for the hearing on the merits of the complaint. The amended rules also clarify the statutory mandate that such motions must be decided "without delay".
- f) The amendments change the procedural rules to conform with the change to the Human Rights Act which provides that if no exceptions are filed to a recommended order and decision, the recommended order becomes the final order of the Commission. Further, even where exceptions are filed, the Commission may decline review.
- g) The amendments change the procedural rules to implement the provision in P.A. 89-348, which allows for interlocutory appeals of Commission orders.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gail M. Bradshaw
Executive Director
Illinois Human Rights Commission
James R. Thompson Center
100 West Randolph St., Suite 5-100
Chicago, IL 60601-3219
(312) 814-6269

The full text of the Adopted Amendments begins on the next page:

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XI: HUMAN RIGHTS COMMISSIONPART 5300
PROCEDURAL RULES

SUBPART A: INTERPRETATIONS

Section

Definition of Terms

5300.10

Computation of Time

5300.20

Service of Pleadings

5300.30

Filing

5300.40

Separability

5300.50

SUBPART B: RECORDS AND WITNESSES

Section

5300.210

5300.220

Subpoenas

Access to Commission Records

SUBPART C: SETTLEMENTS

Section

5300.310

5300.320

5300.330

Settlement Agreements

Consideration by Commission

Non-Compliance

SUBPART D: REQUEST FOR REVIEW

Section

5300.400

5300.410

5300.420

5300.430

5300.440

5300.450

5300.460

5300.470

5300.480

5300.490

5300.495

Applicability of the Subpart

Filing with Commission

Notice by Commission

Response by Department

Reply to Response

Extensions of Time

Consideration of Request for Review

Additional Information or Referral for Hearing

Decision

Tolling of Time Period

Pending Requests

SUBPART E: HEARINGS

Section

5300.510

5300.515

General

Election to Proceed Under the Alternative Hearing Procedure

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

5300.520

5300.530

5300.540

5300.550

5300.560

5300.570

Conduct of Hearing

Powers and Duties of Administrative Law Judge

Ex Parte Communications

Form of Pleadings and Other Papers (Repealed)

Appearances

Place and Manner of Filing Papers (Repealed)

SUBPART F: COMPLAINT AND ANSWER

Section

5300.610

5300.620

5300.625

5300.630

5300.640

5300.650

5300.660

Filing of Complaint

Service of Complaint

Elections in Real Estate Transaction Cases

Notice of Hearing

Answer

Amendments to Pleadings

Substitution and Addition of Parties

SUBPART G: DISCOVERY AND PRACTICE

Section

5300.710

5300.715

5300.720

5300.725

5300.730

5300.735

5300.740

5300.745

5300.750

5300.760

5300.762

Prehearing Memorandum

Discovery for Alternative Hearing Procedure Matters

Discovery

Filing of Disclosure Information and Discovery Material

Motions and Objections

Summary Decision

Interlocutory Appeals

Admission of Fact or of Genuineness of Documents

Hearing Procedures

Preparation of Recommended Order and Decision

Preparation and Issuance of Final Order in Alternative Hearing

Procedure Proceedings

Petitions for Fees and/or Costs

Settlement (Repealed)

Voluntary Dismissal

Authority for Sections 5300.783-5300.787 (Repealed)

Fees and Costs (Repealed)

Motion for Fees or Costs (Repealed)

Responses to Motions for Fees or Costs (Repealed)

Extensions of Time (Repealed)

Supplemented Record (Repealed)

SUBPART H: PRACTICE IN FRONT OF THE COMMISSION

Section

5300.805

5300.810

Scope of Motion Practice

Recommended Order Not Final (Renumbered)

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

5300.815 Form of Motions and Objections
 5300.820 Exceptions to Recommended Order (Renumbered)
 5300.825 Presentation of Motions
 5300.830 Responses to Exceptions (Renumbered)
 5300.835 Emergency Motions
 5300.840 Extension of Time (Renumbered)
 5300.845 Agreed Motions and Orders
 5300.850 Oral Argument (Renumbered)
 5300.855 Extension of Time
 5300.860 Form of Pleadings and Other Papers (Renumbered)
 5300.865 Style of Documents for Commission Consideration
 5300.870 Ex Parte Communications (Renumbered)
 5300.880 Brief of Department (Renumbered)

SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

Section
 5300.910 Finality of Recommended Order ~~Not-Final~~
 5300.920 Exceptions to Recommended Order
 5300.930 Responses to Exceptions
 5300.940 Extensions of Time
 5300.945 Acceptance of the Recommended Order for Review
 5300.950 Oral Argument
 5300.960 Form of Pleadings and Other Papers
 5300.970 Ex Parte Communications
 5300.980 Brief by Department

SUBPART J: REMANDMENT

Section
 5300.1010 Request to Present Additional Evidence
 5300.1020 Motion for Rehearing Before an Administrative Law Judge
 5300.1030 Remandment on the Commission's Own Motion
 5300.1040 Remand Proceedings
 5300.1050 Rehearing Before Full Commission (Renumbered)
 5300.1060 Modification of Commission Order (Renumbered)

SUBPART K: ORDER AND DECISION OF THE COMMISSION

Section
 5300.1110 Commissioners Participating
 5300.1120 Standard of Review
 5300.1130 Proposal for Decision
 5300.1140 Order and Decision
 5300.1145 Inter-res.
 5300.1150 Rehearing Before Full Commission
 5300.1160 Modification of Commission Order
 5300.1170 Interlocutory Appeals

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Article 8, 8A and 8B and authorized by Section 8-102(E) of the Illinois Human Rights Act [775 ILCS 5/8-102(E) and Arts. 8, 8A and 8B].

SOURCE: Filed November 15, 1975 by the Fair Employment Practices Commission; emergency amendment at 2 Ill. Reg. 12, p. 11, effective March 24, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 9, p. 40, effective March 1, 1979; amended at 3 Ill. Reg. 15, p. 100, effective April 9, 1979; transferred to the Human Rights Commission by the Illinois Human Rights Act, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, p. 334, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2709, effective March 2, 1981; amended at 7 Ill. Reg. 9298, effective July 25, 1983; codified at 8 Ill. Reg. 18887; amended at 9 Ill. Reg. 6207, effective April 24, 1985; amended at 16 Ill. Reg. 7838, effective June 1, 1992; emergency amendment at 20 Ill. Reg. 410, ~~7820~~ ⁷⁸²⁰ January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective JUN 0 1 1996.

SUBPART A: INTERPRETATIONS

Section 5300.40 Filing

- a) All documents and pleadings required by the Act or this Part to be filed with the Commission shall be deemed filed when received in the Commission's Chicago or Springfield office. An item properly received by mail shall be deemed to have been filed on the date specified in the applicable proof of mailing. Proof of mailing shall be made by filing with the Commission a certificate of the attorney, or the affidavit of a person who is not an attorney, stating the date and place of mailing and the fact that proper postage was prepaid. The certificate or affidavit shall be filed with the Commission at the same time the item to which it refers is filed. If the certificate or affidavit does not accompany an item filed by mail, an item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery.
- b) All papers and copies thereof for filing and service shall be typewritten on white paper 8 1/2 by 11 inches in approximate size. Copies may be reproduced by any printing or duplicating process providing a clear image.
- c) Each document shall bear on the first page the caption, descriptive title, the Charge numbers assigned by the Department, and the Administrative Law Section (ALS) file number, and shall identify the Party on whose behalf it is to be filed. For all documents in any matter which is proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the words "alternative hearing procedure" and the name of the Administrative Law Judge hearing the matter shall be contained in the caption following the ALS file number. The final page of each document shall contain the name, address, and telephone number of the attorney in active charge of the case, or of the Party

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- if appearing pro se.
- d) If the matter is pending before an Administrative Law Judge, the original and one copy of each document shall be filed.
- e) Except for a Request for Review and documents in support of a Request for Review, if a document is to be considered by a Commission panel, then the original and five (5) copies of the document must be filed. If the document is to be considered by the full Commission, then the original and fifteen (15) copies must be filed. If a document is a Request for Review or is in support of a Request for Review, then only the original must be filed. The following documents are considered documents in support of a Request for Review: motion for extension of time, response to Request for Review, reply to response to Request for Review, and argument in support of Request for Review.
- f) Except as otherwise provided, all pleadings and other papers required to be served on a Party shall be filed as follows:
- 1) In matters pending before an Administrative Law Judge, such pleadings and papers shall be filed in the Commission office to which that Administrative Law Judge is assigned;
 - 2) If the document is to be considered by a Commission panel or the full Commission, the document shall be filed with the Executive Director in the Commission's Chicago office.

(Source: Amended at 20 Ill. Reg. 7820 effective JUN 01 1996)

SUBPART B: RECORDS AND WITNESSES

Section 5300.210 Subpoenas

- a) Issuance
- 1) Subpoenas shall be issued by a Commissioner to compel the attendance of a witness or the production of books, payrolls, records, correspondence, documents, papers or other evidence under the following circumstances:
 - A) At the instance of the Department to facilitate its investigation of a charge; or
 - B) At the instance of a Party to the proceedings, in connection with a hearing convened pursuant to this Part; or
 - C) At the instance of a Party to the proceedings, solely to obtain the production of books, payrolls, records, correspondence, documents, papers or other evidence from non-parties in anticipation of a hearing convened pursuant to this Part. Subpoenas issued in anticipation of a hearing may issue at any time subsequent to the time all Respondents have answered the Complaint or are required to answer the Complaint and not prior to that time, except by agreement of the Parties or with leave of the Administrative Law Judge. This Section does not confer a right on a Party to take a

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- deposition of any Person.
- 2) Blank subpoenas may be obtained for use pursuant to this Subsection by applying therefor to the Executive Director. The applicant shall specify the Charge or Complaint for which the subpoena is to be used and the type of subpoena requested.
 - b) Witness and Mileage Fees - The cost of service and witness and mileage fees shall be borne by the Person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois, as set forth in Section 47 of the Fees and Salaries Act [55 ILCS 45/47] ~~1991~~ ~~Rev. Stat.~~ ~~1991~~ ~~ch. 65~~.
 - c) Service and Contents - The Person requesting a subpoena shall be responsible for its service on the subpoenaed person by personal service, by registered or certified mail or by leaving a copy at the principal office or place of business of a subpoenaed corporation or partnership. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the name and address of the Person initiating its issuance, and shall identify the Person, or evidence subpoenaed and the Person to whom and the place at which, date and time when it is returnable. The Person requesting the subpoena shall also serve a copy of the subpoena upon all Parties of record. Service of the copy of the subpoena on the Parties may be by first-class mail.
 - d) Petition to Quash or Modify - Within five (5) days after service of a subpoena on any Person and service of copies of the subpoena on the Parties, such Person or any Party may file a petition to quash or modify said subpoena, stating reasons in support of such relief. Such a petition shall be filed with the Commission in the case of a subpoena issued during the Department's investigation of any matter, and with the Administrative Law Judge in the case of a subpoena issued in connection with or in anticipation of a hearing before the Judge. A copy of the petition shall be served at the same time on the Person serving the subpoena. Within five (5) days after service of such petition, or within any longer period that the Commission or a three-member panel or the Administrative Law Judge may order, the serving Party may file an answering statement thereto. A hearing may be held in such a dispute in the discretion of the Commission or Administrative Law Judge. When such a petition is properly filed with the Commission, the Commission may refer the question to an Administrative Law Judge for hearing but the final decision will be by the Commission. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to such subpoena until the petition has been ruled upon.
 - e) Enforcement - Whenever any Person shall knowingly fail or refuse to comply with a subpoena served in accordance herewith, the Commission, at the instance of the Person serving the subpoena, shall petition the appropriate circuit court pursuant to Section 8-104(E) of the Act for an order enforcing said subpoena.

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 7820, effective
JUN 01 1996)

Section 5300.220 Access to Commission Records

a) Request for Review Records -- Except as otherwise provided in this Part, the record in every charge considered by the Commission on a request for review shall be confidential and not subject to public disclosure; Provided that the parties to such a charge and the Department shall be allowed access to the record upon making suitable arrangements therefor at any time after final disposition by the Commission of the request for review.

b) Hearing Records -- The official record in every Complaint ~~complaint~~ before the Commission or an Administrative Law Judge shall consist of the charge, Complaint ~~complaint~~ and notice of public hearing, and all subsequent pleadings, notices, motions, evidence received and statements of matters officially noticed, offers of proof and objections and rulings thereon, transcripts, briefs and memoranda received from the parties or the Department for the consideration of the Commission or Administrative Law Judge, orders and decisions and exceptions and responses thereto, and amendments to any of the above. The official record (except such evidence as is placed under protective order by the Administrative Law Judge or the Commission) shall be available for public inspection upon making appropriate arrangements with the Commission employee having custody of such record, at any time after issuance of the notice of hearing. The parties shall have access to the entire official record.

c) Retention of Records -- The Commission shall maintain in its offices all files available for inspection by the public or a party pursuant to subsections ~~subsection~~ (a) and (b) of this Section, for the full period during which such file is active and for an additional period of at least two years from the date when all proceedings (including any proceedings pursuant to the Administrative Review Law [735 ILCS 5.Art. 111]-rev.-Stat.-ch.-119-par.-3-111-41-seq-7) have been disposed of. Final Orders ~~orders~~ and Decisions ~~decisions~~ of the Commission, Final Orders of Administrative Law Judges in cases under the alternative hearing procedure and Orders ~~orders~~ pursuant to requests for review will be retained as part of the permanent record of the Commission.

d) Copies -- The Commission shall not provide copies of documents which are available for inspection by any person under this Subpart B, except to the extent that extra copies may exist in the Commission's files.

e) Place of Inspection -- Inspection of any files or documents which are available for that purpose shall be permitted only at the office of the Commission at which such file or document is maintained.

(Source: Amended at 20 Ill. Reg. 7820, effective

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

JUN 01 1996
SUBPART D: REQUEST FOR REVIEW

Section 5300.400 Applicability of the Subpart

a) Sections 5300.410 through 5300.495, inclusive, of Subpart D of this Part apply only to requests for review in cases where the perfected charge was filed before January 1, 1996. Pursuant to Section 8-103 of the Act, the Commission does not have jurisdiction over requests for review in cases where the "cause of action" was filed on or after January 1, 1996.

b) After January 1, 1996, all requests for review received by the Commission will be evaluated by the staff to determine if the perfected charge in the case was filed on or after January 1, 1996. If the perfected charge was, in fact, filed on or after January 1, 1996, the staff of the Commission will stamp the date the request for review was received by the Commission on the face of that document and then forward it to the Department for processing pursuant to Section 7-101.1 of the Act.

(Source: Added at 20 Ill. Reg. 7820, effective
JUN 01 1996)

SUBPART E: HEARINGS

Section 5300.515 Election to Proceed Under the Alternative Hearing Procedure

a) Parties may elect to proceed under the alternative hearing procedure set forth in Section 8A-102.5 of the Act. A unanimous election to proceed under the alternative hearing procedure must be stipulated in writing by all parties.

b) For any Complaint filed with the Commission after the effective date of this Section, a written election to proceed by right under the alternative hearing procedure must be filed with the Commission on or before 30 days after the filing of all Respondents' answers to the Complaint, unless the Chief Administrative Law Judge on motion and for good cause shown extends the time, and in any event must be filed prior to the service by any party of any discovery request, whichever comes first.

c) For any Complaint pending before the Commission on or before the effective date of this Section to which all Respondents have not yet answered or all answers were not filed at least 31 days prior and no discovery request has yet been served, a written election to proceed by right under the alternative hearing procedure must be filed with the Commission on or before 30 days after the filing of all Respondents' answers to the Complaint, unless the Chief Administrative

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Law Judge on motion and for good cause shown extends the time, and in any event must be filed prior to the service by any Party of any discovery request, whichever comes first.

d) For any Complaint pending before the Commission on or before the effective date of this Section to which all Respondents' answers were filed at least 31 days prior or any discovery request has already been served, the Parties may file with the Chief Administrative Law Judge a joint motion requesting leave to elect to proceed thereafter under the alternative hearing procedure; the Chief Administrative Law Judge may, in his/her discretion, grant or deny such motion taking into consideration the present status of the case, the possible judicial economy and the efficient usage of the resources of the Parties and the Commission.

e) Any Party may obtain from the Commission the list of the pool of Administrative Law Judges currently available for the alternative hearing procedure at the Chicago or the Springfield office by telephonic or written request.

f) The written election to proceed under the alternative hearing procedure, signed by all Parties, shall be entitled "Stipulation Of Election Of Alternative Hearing Procedure Pursuant to Section 8A-102.5" and shall state:

The Parties hereby stipulate to proceed under the alternative hearing procedure set forth in Section 8A-102.5 of the Illinois Human Rights Act. The parties acknowledge that they have certain rights under the regular hearing procedure, including but not limited to more discovery and the right of appeal. The parties knowingly and voluntarily waive those rights.

The Parties hereby select Administrative Law Judge _____ to hear this matter; or

The Parties shall inform the Commission in writing of their selection of an Administrative Law Judge within 10 days after the filing of this stipulation. The Parties hereby acknowledge that there is no right to vacate or revoke this stipulation except if the selected Administrative Law Judge becomes unavailable to issue a Final Order disposing of the Complaint.

The Parties hereby acknowledge that there shall be only limited discovery available to them as specified in Section 5300.715 of the Commission's Procedural Rules.

The Parties hereby acknowledge that there is no right of appeal from the selected Administrative Law Judge's Final Order disposing of the Complaint based upon a dispositive motion or upon the pleadings and evidence presented at hearing, and hereby waive all right of appeal except for Orders procured by fraud or

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

duress.

g) If a selected Administrative Law Judge becomes unavailable due to death, leaving the Commission's employment or any other cause, during the proceeding of a matter and is thereby unavailable to issue a Final Order disposing of the Complaint, within 30 days after the receipt of a written notice of such unavailability from the Commission, the Parties shall inform the Commission in writing of their selection of another Administrative Law Judge to continue proceeding under the alternative hearing procedure on the matter based on the record to date. If the Parties fail to timely select a successor Administrative Law Judge, the matter shall automatically no longer continue under the alternative hearing procedure and shall be reassigned to an Administrative Law Judge by the Chief Administrative Law Judge pursuant to Section 5300.520(b).

(Source: Added at 20 Ill. Reg. 7820 effective JUN 1 1996)

Section 5300.520 Conduct of Hearing

a) All hearings hereunder, including hearings under the alternative hearing procedure, shall be conducted consistent with this Part by an Administrative Law Judge who shall be a licensed attorney appointed to be an Administrative Law Judge for the Commission pursuant to Section 8-102(D) of the Act.

b) The Chief Administrative Law Judge shall assign to an Administrative Law Judge each Complaint ~~complaint~~ or other matter on which hearing is required. The Chief Administrative Law Judge may, in his/her discretion, combine several Complaints ~~complaints~~ or requests for review for purposes of hearing and other proceedings, when it is found that sufficient common issues of fact or law are involved. If the Parties timely elect to proceed by right or are granted leave to proceed under the alternative hearing procedure, the Chief Administrative Law Judge shall, if the selected Administrative Law Judge is other than the Administrative Law Judge to whom the Complaint was originally assigned, reassign the Complaint to the selected Administrative Law Judge for hearing and other proceedings. If a Complaint which was proceeding under the alternative hearing procedure ceases to so proceed due to the unavailability of the selected Administrative Law Judge and the Parties' failure to timely select another, the Chief Administrative Law Judge will reassign the Complaint to an Administrative Law Judge for hearing and other proceedings not under the alternative hearing procedure.

c) All hearings once commenced shall continue on successive work days until completed unless the Administrative Law Judge rules otherwise by announcement at the hearing or by appropriate notice to all parties.

d) All hearings shall be open to the public except hearings upon requests

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

for review.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.530 Powers and Duties of Administrative Law Judge

- a) Subject to the provisions of the Act and of this Part, the Administrative Law Judge shall have full authority to govern the procedure of the hearing and to admit or exclude testimony or other evidence.
- b) The Administrative Law Judge shall rule on all proper motions and objections by any party from the time the Judge is assigned the matter by the Chief Administrative Law Judge or selected by the Parties electing to proceed under the alternative hearing procedure until the Judge's recommended decision and/or Final Order ~~final order~~ is filed with the Commission or issued to the Parties.
- c) The Administrative Law Judge may exclude from the proceedings any person who engages in improper conduct at the hearing. At the request of any party, the Administrative Law Judge shall exclude all witnesses from the hearing room, except that one representative of each party in addition to counsel shall be allowed to remain throughout.
- d) The Administrative Law Judge may grant continuances for good cause shown. Requests for continuance shall be made in writing to the Administrative Law Judge sufficiently in advance of a scheduled hearing to permit reasonable notice to all parties.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

SUBPART F: COMPLAINT AND ANSWER

Section 5300.625 Elections in Real Estate Transaction Cases

When a Complaint is filed under Section 7B-102(F) of the Act, a Complainant, a Respondent, or an Aggrieved Party on whose behalf the Complaint was filed, may elect to have the claims asserted in that Complaint decided in a civil action in a circuit court of Illinois. The election must be made not later than 20 days after the receipt by the electing Person of service of the Complaint by the Commission. The Person making the election shall file it with the Commission and shall give notice of doing so to the Department and to all other Complainants, Respondents and Aggrieved Parties to whom the charge relates. If an election is made, the Commission will act no further on the Complaint. The file on the Complaint will be closed by administrative action. If an election is not made, the Commission will continue proceedings on the Complaint in accordance with the Act and this Part.

(Source: Added at 20 Ill. Reg. 7820, effective JUN 01 1996)

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

JUN 01 1996

Section 5300.650 Amendments to Pleadings

- a) At any time prior to issuance of the Administrative Law Judge's Recommended Order and Decision or Final Order in a case proceeding under the alternative hearing procedure, the pleadings may be amended for good cause shown. A motion to amend under this Subsection shall be in writing, and shall state the specific amendments proposed and the reasons therefor. Where the Department filed the Complaint in the case, a motion to amend the Complaint may be made by either the Department or the Complainant. A motion to amend a pleading shall be served upon all Parties, and upon the Department to the attention of its Chief Legal ~~General~~ Counsel. Where leave is granted to file an amended Complaint, it must be served upon all Parties of record and the Department by the Complainant, or by the Department if it moved to amend, within 7 days after the date of the Order granting leave to file the amended Complaint, or within such additional time as the Administrative Law Judge may order. It is not the obligation of the Commission to serve amended Complaints.
- b) Amendments to the Complaint may encompass any unlawful discrimination which is like or reasonably related to the charge and grows out of the allegations in such charge, including, but not limited to, allegations of retaliation.
- c) A motion made prior to the close of a hearing that a pleading be amended to conform to the evidence may be addressed orally on the record to the Administrative Law Judge conducting the hearing and shall be granted for good cause shown.
- d) An amendment to a pleading shall relate back to the date of the filing of the original pleading.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.660 Substitution and Addition of Parties

- a) A Complaint may be amended by the Complainant to substitute or name additional Parties Respondent if such parties are successors or assigns of a named Respondent. Mere misnomer of a Party, however, shall not be grounds for dismissal and may be cured at any time by amendment of the pleadings. A Person may be added as Party Respondent, even if that Person is not a successor or an assign of the named Respondent, if the following terms and conditions are met:
- 1) The Charge in the case was filed within 180 days after the date of the civil rights violation allegedly committed by the Person sought to be added as a Party Respondent;
 - 2) The failure to join the Person as a Party Respondent was inadvertent;

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 3) The Person sought to be added as a Party Respondent was given notice of the filing of the Charge at the time the original Charge was filed;
 - 4) The nature of the original Charge was such that the Person sought to be added knew, within the 180 day period, that the Charge grew out of a transaction or occurrence involving or concerning him or her;
 - 5) The addition of the Person sought to be named as a Party Respondent does not raise new factual questions which were not considered by the Department of Human Rights in its investigation; and
 - 6) The cause of action alleged against the Person sought to be made a Party Respondent in the case arises out of the same transaction or occurrence set out in the original Complaint.
- b) If a Party to a Complaint dies, the proper Party or Parties may be substituted upon motion. If a motion to substitute is not filed within 90 days after the death is suggested of record, the Complaint may be dismissed as to the deceased Party.
- c) No Person shall be added as a Party Respondent except as provided in this Section.

d) If substitution of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the election of the alternative hearing procedure remains effective and is binding on the substituted or successor Party and the matter shall continue to proceed under the alternative hearing procedure.

e) If addition of a Party occurs in a matter proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, the additional Party shall within 30 days after being made a Party in the matter inform the Commission in writing of his/her/its stipulation to continue proceeding under the alternative hearing procedure on the matter before the selected Administrative Law Judge based on the record to date. If the additional Party fails to timely so stipulate, the matter shall automatically no longer continue under the alternative hearing procedure and may be reassigned to another Administrative Law Judge by the Chief Administrative Law Judge.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

SUBPART G: DISCOVERY AND PRACTICE

Section 5300.710 Prehearing Memorandum

- a) The notice of public hearing issued in conjunction with a Complaint ~~complaint~~ shall be accompanied by a description of the contents to be included in a prehearing memorandum ~~form~~ to be completed jointly by the parties. The purpose of the memorandum ~~form~~ shall be to ascertain the positions of the parties and to reach agreements on stipulations

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

of fact, admission of documents and other matters that will expedite the hearing and determination of the Complaint ~~complaint~~. Once the parties have completed the memorandum ~~form~~, the Administrative Law Judge may issue a pre-hearing Order ~~order~~ reflecting matters agreed to and rulings as to disputed matters. The Administrative Law Judge may waive the preparation of a prehearing memorandum when a party is not represented by counsel. The Administrative Law Judge may order a prehearing conference, if one is deemed necessary.

- b) Should a party fail substantially to comply with the directions set out for in the pre-hearing memorandum or fail to appear at a scheduled pre-hearing conference, the Administrative Law Judge, on motion, may file a recommendation of dismissal or default or issue a Final Order disposing of a case proceeding under the alternative hearing procedure or other appropriate Order ~~order~~ imposing sanctions as justice may require.

(Source: JUN 01 1996 at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.715 Discovery for Alternative Hearing Procedure Matters

a) Initial Disclosure of Information -- For all Complaints proceeding under the alternative hearing procedure, the Parties shall have an initial duty of disclosure as follows:

- 1) Time of Disclosure and Continuing Duty -- The Parties shall make the initial disclosure required by this rule as fully as then possible within 90 days after the filing of the stipulation to proceed under the alternative hearing procedure unless the Administrative Law Judge, on motion and for good cause shown, shortens or extends the time. Upon service of a disclosure on another Party, the disclosing Party shall file only a notice of the service of the disclosure with the Commission. The duty to provide disclosures as delineated in this rule shall be a continuing duty, and each Party shall seasonably supplement or amend disclosures whenever new or different information or documents become known to the disclosing Party. All disclosures shall include all information and data in the possession, custody and control of the parties as well as that which can be ascertained, learned or acquired by reasonable inquiry and investigation.

2) Prompt Disclosure of Information -- Within the time set forth in this subsection (a)(1), each Party shall disclose in writing to every other Party:

- A) The factual basis of the claim or defense. In the event of multiple claims or defenses, the factual basis of each claim or defense.
- B) The names, addresses, and telephone numbers of all persons whom the Party believes may have knowledge or information

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

relevant to the events, transactions or occurrences that gave rise to the action, claim or defense, and the nature of the knowledge or information each such individual is believed to possess.

C) The names, addresses, and telephone numbers of all persons who have given statements regarding the action, claim or defense, whether written or recorded, signed or unsigned, and of the custodian of the copies of those statements.

D) The names, addresses, and telephone numbers of each person whom the disclosing Party expects to call as an opinion witness at trial, the subject matter on which the opinion witness is expected to testify, the conclusions and opinions of the opinion witness and the bases therefor, the qualifications of the opinion witness, and copies of any reports prepared by the opinion witness.

E) A computation and the measure of damages alleged by the disclosing Party and the document or testimony on which such computation and measure are based and the names, addresses, and telephone numbers of all damages witnesses.

F) The existence, location, custodian, and general description of any tangible evidence or documents that the disclosing Party plans to use at trial.

G) A list of the documents, or in the case of voluminous documents, known by a Party to exist whether or not in the Party's possession, custody or control and which that Party believes may be relevant to the subject matter of the action, and those which appear reasonably calculated to lead to the discovery of admissible evidence, and the dates upon which those documents will be made, or have been made, available for inspection and copying. Unless good cause is stated for not doing so, a copy of each document listed shall be served with the disclosure. If production is not made, the name and address of the custodian of the document shall be indicated. A Party who produces documents for inspection shall produce them as they are kept in the usual course of business.

3) Each disclosure shall be made in writing, accompanied by the affidavit of an attorney or a Party which affirmatively states that the disclosure is complete and correct as of the date of the disclosure and that all reasonable attempts to comply with the provisions of this rule have been made. A copy of such affidavit shall be filed with the Commission.

4) In addition to any other sanction the Administrative Law Judge may impose, the Administrative Law Judge shall exclude at hearing any evidence offered by a Party that was not timely disclosed as required by this Section, except for good cause shown.

b) Limited Discovery Procedures -- Except as may otherwise be ordered by

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the Administrative Law Judge upon motion and for good cause shown, only the following limited discovery is allowed for Complaints proceeding under the alternative hearing procedure. Except as limited herein, the provisions, including service requirements and response time limits, of Section 5300.720 and Section 5300.745 of this Part apply as if fully set out herein.

1) Written Interrogatories -- Each Party may propound to any other Party a total of 20 written interrogatories and supplemental interrogatories in the aggregate, including subparts.

2) Deposition -- An evidence deposition may be taken as of right only under the provisions of Section 8-104(F) of the Act. No discovery deposition may be taken except as allowed by the Administrative Law Judge upon motion and for good cause shown.

3) Production Requests -- Each Party may propound to any other Party a total of 5 requests to produce for inspection, copying or photographing any document, object or tangible thing which is relevant to the subject matter of the Complaint or defense.

4) Requests To Admit -- Each Party may serve on any other Party a total of 10 written requests for the admission by the latter of the truth of any specified relevant fact set forth in the request. Each Party may also serve on any other Party a written request for the admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be furnished with the request unless copies have already been furnished by the requesting Party.

(Source: Added at 20 Ill. Reg. 7820 effective JUN 1 1996)

Section 5300.720 Discovery

a) For all Complaints not proceeding under the alternative hearing procedure, discovery Discovery shall be obtainable through the following methods:

1) Written Interrogatories -- A Party may direct written interrogatories to any other Party, serving copies of such interrogatories at the same time on all other Parties. Such interrogatories shall be restricted to the subject matter of the Complaint or defense and shall avoid undue detail or the imposition of excessive burden or expense on the answering Party. Within twenty-eight 28 days after service of the interrogatories upon the answering Party, the answering Party shall serve upon the propounding Party an answer under oath or affirmation, or an objection, to each interrogatory, serving copies of such answers and objections at the same time on all other Parties. Any objection to an answer or refusal to answer an interrogatory shall, upon motion of the Party propounding the interrogatory, be ruled upon by the Administrative Law Judge.

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Where appropriate, a document may be served in answer to an interrogatory. Supplemental interrogatories shall not be allowed except on leave of the Administrative Law Judge for good cause shown.

- 2) Production, Inspection, Copying or Photographing of Documents and Tangible Things -- A Party, by written request served upon all other Parties, may require any other Party to produce for inspection, copying or photographing any document, object or tangible thing which is relevant to the subject matter of the Complaint or defense. The Party upon whom the request is served shall respond to the request within ~~twenty-eight~~ 28 days, stating with respect to each item or category that inspection and related activities will be permitted as required, unless the request is objected to, in which event the reasons for objection shall be stated. The response shall be served on all Parties. On motion of the requesting Party, the Administrative Law Judge shall rule with respect to such objections.

3) Depositions

- A) A deposition may be taken as of right only under the provisions of Section 8-104(F) of the Act.
- B) A Party may take discovery depositions either for good cause shown or by agreement. A discovery disposition taken for good cause or by agreement may be taken only upon leave of the Administrative Law Judge. No Party shall serve a notice of deposition for a discovery disposition without leave of the Administrative Law Judge.

- b) Prior to the time all Respondents have answered or are required to answer, no discovery procedure shall be noticed or undertaken except by agreement of the Parties or with leave of the Administrative Law Judge for good cause shown.

- c) At any time the Administrative Law Judge may, on his/her own motion or on motion of any Party or witness, make such protective Orders as justice and fairness may require, denying, limiting, conditioning or regulating discovery to prevent unreasonable annoyance, expense, embarrassment, disadvantage or oppression.

- d) All matters that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged against disclosure through any discovery procedure hereunder. When information or documents are withheld from disclosure or discovery on a claim that they are privileged pursuant to a common law or statutory privilege, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced or disclosed and the exact privilege which is being claimed.

- e) The types Methods of discovery of information from Parties and witnesses shall be the same ~~available to the Parties~~ as in other civil cases in the circuit courts of this State, except as provided for discovery depositions above. The procedure for obtaining discovery of

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

information from Parties and witnesses shall be as specified in this Part. If this Part does not contain a procedure with respect to a particular type of discovery, the Code of Civil Procedure [735 ILCS 5] will be considered persuasive authority by the Commission. Where the Code of Civil Procedure makes reference to "rules," the applicable Supreme Court Rules on discovery will also be considered.

- f) The hearing of a matter shall not be delayed to permit discovery unless due diligence is shown.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.725 Filing of Disclosure Information and Discovery Material

- a) All disclosures required in cases under the alternative hearing procedure and all requests for discovery and all responses to requests for discovery shall be served upon other counsel or parties, but shall not be filed with the Commission. The party responsible for service of the disclosure information or the discovery material shall serve a copy of a Certificate of Service with the Commission. The party responsible for service of the disclosure information or the discovery material shall retain the original and become the custodian.
- b) If a motion is filed with respect to any disclosure information or discovery material, copies of the portions of the material in question shall be filed with the motion.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.730 Motions and Objections

- a) Motions and objections directed to the Administrative Law Judge pursuant to the authority granted in Section Subsection 5300.530(b) of this Part may be stated in writing or on the record except for a motion to amend the pleadings pursuant to Section Subsection 5300.650(a) of this Part, which must be in writing.

- 1) A written motion shall briefly state the Order or relief requested and the specific grounds upon which relief is sought.

- 2) A written motion shall be served at the same time upon all Parties and filed at the Commission office of the Administrative Law Judge to whom it has been directed.

- 3) The following motions shall also be served upon the Department:

- A) Motion to dismiss and any response thereto pursuant to Section Subsection 5300.640(b) of this Part;

- B) Motion to amend the pleadings pursuant to Section Subsection 5300.650(a) of this Part; and

- C) Motion to allow a Commission or Department employee to testify at a hearing pursuant to Section Subsection

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

5300.750(b)(3) of this Part.

- b) Except as provided in subsection (f) ~~Subsection-5300-730(f)~~ of this Section Part, for motions to dismiss the Complaint and motions for summary decision, responses to written motions may be filed by any Party within five (5) days after service of the motion, or within such other period as the Administrative Law Judge may order, and shall be served at the same time upon all other Parties. In deciding whether to extend the period for responding to the motion, the Administrative Law Judge shall consider the complexity of the issues raised by the motion, and the ability of the responding Party to file a response within the five day period. Except under extraordinary circumstances, the time for responding to a motion shall not exceed ~~forty-five (45)~~ days. The Administrative Law Judge may, on his/her own motion or motion of the Department, enter an Order permitting the Department to file a response to a written motion. In deciding whether to allow the Department to file a response, the Administrative Law Judge shall consider:
- 1) Whether resolution of the motion raises issues beyond those involved in the specific case;
 - 2) Whether the Department has an interest different from that of the Complainant or Respondent; and
 - 3) Whether the Department can articulate a particular point of view better than one or both Parties.
- c) Written motions and responses thereto should set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion.
- d) Except as provided in subsection (f) ~~Subsection-5300-730(f)~~ of this Section Part for motions to dismiss and motions for summary decision, except as to motions arising out of Complaints proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act and except for those motions made in the course of public hearing, all motions arising out of Complaints in which the site of the alleged civil rights violation is in Cook County shall be heard at the Commission's office in Chicago. Written Notice of Hearing on such motion shall be filed at the Commission's office in Chicago along with a copy of the motion and served upon all Parties and also upon the Department as specified in subsection (a) ~~Subsection-5300-730(a)~~ of this Section Part. The Notice of Hearing on the motion shall show the name of the Administrative Law Judge before whom and the date and time when the motion shall be presented. The motion shall be in writing and a copy of the motion or a statement that it previously has been served shall be served with the notice. Copies of all papers to be presented to the Administrative Law Judge with the motion shall be served with the notice or the notice shall state that copies have previously been served. The moving Party shall schedule the motion for hearing by entering the case name, ALS number and the nature of the motion in the motion book in the Commission's Chicago office.
- 1) If notice of hearing is given by personal service, the notice

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

shall be delivered before 4:00 P.M. on the second State business day preceding the hearing of the motion.

2) If notice is given by mail, the notice shall be deposited in a United States Post Office or Post Office Box no later than the fifth State business day preceding the hearing of the motion. The certificate of service attached to the motion will be prima facie proof of the date the notice is placed in a Post Office Box.

- e) All motions arising out of Complaints in which the site of the alleged civil rights violation is outside Cook County and all motions arising out of Complaints proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act shall be governed by the procedures specified in subsections (a) ~~Subsections-5300-730(a)~~, (b) and (c) of this Section Part. These motions shall not be noticed for hearing at the Commission's office in Chicago; however, if all of the Parties to a Complaint, except to a Complaint proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, in which the site of the alleged discrimination is outside Cook County agree to appear for a hearing on a motion at the Commission's Chicago office, the procedure specified in subsection (d) ~~Subsection-5300-730(d)~~ of this Section Part may be utilized.
- f) Regardless of the site of the alleged civil rights violation, all motions to dismiss the Complaint and all motions for summary decision shall be filed and responded to in accordance with the procedures set forth in subsections (a) ~~Subsection-5300-730(a)~~, (b), and (c) of this Section Part.
- g) All motions on Complaints proceeding under the alternative hearing procedure shall be decided by the selected Administrative Law Judge based on the written motions and responses thereto only, except when the Administrative Law Judge deems oral argument useful; then, the Administrative Law Judge shall issue an Order setting a date and time for the motion to be argued. Such oral argument may be set at a Commission office or by telephone conference hearing.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.735 Summary Decision

- a) At any time after the service of a Complaint and prior to service of a decision pursuant to Section 8A-102(I), Section 8A-102.5(B)(4) or Section 8B-102(J) of the Act, the Complainant or the Respondent may move with or without supporting affidavits for a summary Order order in the moving Party's favor as to all or any part of the relief sought. An Administrative Law Judge may not preclude the filing of a motion for summary decision except within the 60-day period prior to the date set for the hearing on the merits of the Complaint. Once the Administrative Law Judge has set a deadline for the filing of the

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

motions for summary decisions in accordance with this Section, no such motion may be filed after that date without leave of the Administrative Law Judge, even if the hearing on the merits is postponed.

- b) Procedure - The non-moving Party may file counter-affidavits prior to the time of the ruling on the motion. The Order ~~order~~ sought shall be rendered without delay if the pleadings and affidavits, if any, show that there is no genuine issue as to any material fact and that the moving Party is entitled to a Recommended Order ~~recommended order~~ as a matter of law. An interim recommended summary Order ~~order~~, interlocutory in character, may be rendered on the issue of liability alone, although there is a genuine issue as to the relief to be awarded. The term "without delay" (Section 8-106 of the Act) means that consideration of the motion shall not be stayed without the agreement of the Parties. Further, the Administrative Law Judge may not postpone consideration of the motion until after the public hearing. The term does not mean that motions for summary decision will be given preference over other pending motions in the case at issue or other cases pending in front of the Commission.

- c) Affidavits or Motions Made in Bad Faith - If it appears to the satisfaction of the Administrative Law Judge at any time that any affidavit or motion presented pursuant to this Section is presented in bad faith or solely for the purpose of delay, the Administrative Law Judge may recommend that the Party employing the use of affidavits for dilatory purposes shall pay to the other Party the amount of reasonable expenses incurred as a result of the filing of the affidavit or motion, including reasonable attorney's fees.

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.750 Hearing Procedures

- a) Adverse Witness -- At the hearing, a witness may be called and examined as if under cross-examination in the same manner and circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102] (Ill-Rev-Stat--1991r-ch--1187-par-2-1102).

- b) Testimony and Evidence

- 1) All testimony taken at the hearing shall be under oath or affirmation.
- 2) All testimony and other evidence shall be subject to the same rules of evidence as are applicable in courts of record in the State of Illinois.
- 3) Compelling Appearances of Parties at Hearing - The appearances at the hearing of a Party or a person who at the time of the hearing is an officer, director, or employee of a Party may be required by serving the Party with a notice designating the person who is

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

to appear. The notice also may require the production at the hearing of documents or tangible things. If the Party or Person is a non-resident of the county, the Administrative Law Judge may order any terms and conditions in connection with its appearance at the hearing that are just, including payment of its reasonable expenses. Upon a failure to comply with the notice, the Administrative Law Judge may enter any Order ~~order~~ that is just.

- 4) No Commission or Department employee shall testify on behalf of a Party at a hearing with respect to the contents of any files, documents, reports, memoranda or records of the Commission or Department or of the results of any investigation conducted by the Department except upon Order ~~order~~ of the Administrative Law Judge. Any Party may apply for such an Order ~~order~~ in the form of a motion and such motion shall identify the Commission or Department employee whose testimony is desired, the nature of such person's testimony, and the specific purpose to be served thereby. The motion will be granted only upon a showing that the information to be elicited from such testimony is admissible and cannot be obtained through other means. A motion to compel a Department employee to testify shall be served by the movant on the Department.
- 5) No testimony or other evidence concerning attempts to settle or adjust an alleged civil rights violation shall be given or received in any hearing without the written consent of all Parties.

- 6) Written stipulations, signed by the Parties to be bound thereby, may be introduced in evidence. Oral stipulations may be made on the record.

- c) Record of Proceedings -- The Commission shall arrange for a record of the proceedings to be made, transcribed and filed in the Chicago or Springfield office of the Commission. Any such record will be made available for examination by the public in either the Chicago or Springfield office upon reasonable notice.

- d) Briefs and Oral Argument -- At the conclusion of the evidence, the Administrative Law Judge shall permit the Parties to argue orally and/or submit such briefs or proposed findings of fact and conclusions of law within such time as the Administrative Law Judge may determine. The Department may request leave to file an amicus brief upon an issue presented by the record in a hearing wherein it is not a Party, upon motion to the Administrative Law Judge, which motion shall be served on all Parties. Such motion shall be granted, and a briefing schedule ordered, if, in the opinion of the Administrative Law Judge, the interests of justice would be served thereby. Each Party filing a brief shall file it with the Administrative Law Judge and at the same time serve copies upon all other Parties.

- e) Sanctions for Unreasonable Conduct -- Should a Party fail to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuse to comply with any Order ~~order~~ entered

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

under ~~Section 5300-720-06~~ this Part, or otherwise engage in conduct which unreasonably delays or protracts proceedings, the Administrative Law Judge may file a recommendation of dismissal with prejudice or default or other appropriate ~~Order~~ ~~order~~ imposing sanctions as justice may require, including requiring the offending Party or attorney to pay the reasonable expenses and attorney's fees incurred by any other Party as a result of the misconduct. In a case proceeding under the alternative hearing procedure, the Administrative Law Judge may issue a Final Order containing any sanction for unreasonable conduct which the Commission may impose under this Section.

(Source: Amended at 20 Ill. Reg. 7820 ~~2~~, effective JUN 01 1996)

Section 5300.760 Preparation of Recommended Order and Decision

Except for Complaints proceeding under the alternative hearing procedure, following ~~Petitioning~~ the taking of testimony and the submission of oral argument and briefs, the Administrative Law Judge shall prepare and file with the Commission a written Recommended Order and Decision, which shall include:

- A summary of the respective contentions of the Parties;
- Findings of fact based upon, and limited to, the testimony and other evidence of record and upon matters of which official notice may be taken pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)] ~~7-1111-Rev-Stat-19917-eh-1977 par-1919-494c77~~;
- A determination as to whether or not a preponderance of the evidence sustains the Complaint, or each portion thereof;
- An analysis of the case and reasoning to support the Administrative Law Judge's determination;
- The Administrative Law Judge's Recommended Liability Determination.

1) If it is determined that the preponderance of the evidence supports the Complaint or portions thereof, the Recommended Order ~~recommended--order~~ shall sustain the Complaint to that extent and require the Respondent to take such actions as are provided under Section 8A-104 or Section 8B-104 of the Act. If the Complainant is entitled to an award of attorney's fees and costs pursuant to Section 8B-104(D) of the Act, the Administrative Law Judge's recommended decision shall be styled a Recommended Liability Determination and shall direct the Complainant to file a petition for an award of attorney's fees pursuant to the procedure established in Section 5300.765 of this Part. Such Recommended Liability Determination shall promptly be served upon all Parties.

2) If it is determined that the Complaint shall be dismissed and that the Complaint was frivolous, unreasonable or groundless or that the Complainant continued to litigate after it became clearly so and that the Respondent is therefore entitled to an

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

award of attorney's fees pursuant to Section 8A-102(I)(5) of the Act, the Administrative Law Judge's recommended decision shall be styled a Recommended Liability Determination and shall direct the Respondent to file a petition for an award of attorney's fees pursuant to the procedures established in Section 5300.765 of this Part. Such Recommended Liability Determination shall promptly be served upon all Parties.

f) The Administrative Law Judge's Recommended Order and Decision

- If it is determined that the preponderance of the evidence does not support the Complaint, the Administrative Law Judge's recommended decision shall dismiss the Complaint and shall constitute the Recommended Order and Decision for review by the Human Rights Commission pursuant to Subpart I ~~Sections--5300-930 et-seqr~~ of this Part.
- Following submission of materials in connection with any petition for attorney's fees filed as directed in subsection ~~Subsection~~ (e)(1) or (e)(2) of this Section pursuant to Section 5300.765 of this Part, the Administrative Law Judge shall prepare a recommended decision which shall incorporate the Recommended Liability Determination by reference and shall include recommendations as to the amount of reasonable attorney's fees and/or costs and a discussion of the issues relevant thereto. This recommended decision shall constitute the Recommended Order and Decision for review by the Human Rights Commission pursuant to Subpart I ~~Sections-5300-930-et-seqr~~ of this Part.

- A Recommended Order and Decision that includes a monetary award shall specify the amount recommended to be paid pursuant thereto as of the date of the conclusion of the public hearing and the formula for calculation of supplemental monetary awards, if any.

The Commission shall promptly serve a copy of such Recommended Order and Decision upon all Parties and the Department. Service of the Recommended Order and Decision begins the running of time for filing exceptions pursuant to Section 5300.920 of this Part. Following the issuance of the Recommended Order and Decision pursuant to subsection ~~Subsection~~ (f)(1) or (f)(2) of this Section, all pleadings, motions, or other requests shall be directed to the General Counsel of the Human Rights Commission.

(Source: Amended at 20 Ill. Reg. 7820 ~~2~~, effective JUN 01 1996)

Section 5300.762 Preparation and Issuance of Final Order in Alternative Hearing Procedure Proceedings

- For all cases which proceed to public hearing under the alternative hearing procedure of Section 8A-102.5 of the Act, following the taking of testimony and the submission of oral argument and briefs, if any are ordered, the selected Administrative Law Judge shall prepare a written Final Order disposing of the Complaint based upon the

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- pleadings and evidence presented. The Final Order shall include:
- 1) a determination as to whether a preponderance of the evidence sustains the Complaint or each portion thereof;
 - 2) a brief discussion of the analysis of the case and reasoning to support the Administrative Law Judge's determination with sufficient detail to apprise the Parties as to the basis for the decision; and
 - 3) a determination of the damages and relief, including attorneys fees and costs, to which any Party is entitled.
- b) The Final Order need not contain detailed findings of fact and conclusions of law.
 - c) The Final Order may provide for any relief or penalty identified in Section 8A-104 of the Act.
 - d) The Final Order shall be issued by the selected Administrative Law Judge and shall be served by the Commission on all Parties and the Department personally or by registered or certified mail.
 - e) The Final Order entered by an Administrative Law Judge in a case proceeding under the alternative hearing procedure shall be deemed the final decision of the Commission and shall not be subject to review by any three member panel of the Commission nor by the full Commission. Such Final Orders are enforceable in the same manner as Orders And Decisions issued by the Commission.
 - f) A Party may not apply for and obtain review of a Final Order by filing a petition for review in the Appellate Court pursuant to Section 8-111(A) of the Act except on the basis of fraud or duress. By stipulating to disposition of the Complaint under the alternative hearing procedure, the Parties waive all right of appeal except for Orders procured by fraud or duress.
 - g) The Final Order entered by an Administrative Law Judge in a case proceeding under the alternative hearing procedure shall not be considered Commission precedent.

(Source: Added at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.765 Petitions for Fees and/or Costs

- a) Within twenty-one--t 21t days after the service of a Recommended Liability Determination pursuant to Section ~~Subsection~~ 5300.760(e)(1) or (e)(2) of this Part or pursuant to an Order entered after a hearing by the selected Administrative Law Judge in a case proceeding under the alternative hearing procedure, the Party or Parties designated therein may file with the Administrative Law Judge a petition for fees and/or costs, supported by argument and affidavits. Such supporting documentation shall include the following:
 - 1) The number of hours for which compensation is sought, itemized according to the work that was performed, the date upon which the work was performed and the individual who performed such work;

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 2) The hourly rate customarily charged by each individual for whom compensation is sought and appropriate documentary support for such claimed rate. In the case of a public law office which does not charge fees, or which charges fees at less than market rate, counsel may provide documentation of the rate prevalent in the practice of law for attorneys in the same locale with comparable experience and expertise;
 - 3) Other factors that affect the computation of fees or costs, as determined by the courts of Illinois and the decisions of the Commission; and
 - 4) Documentation of costs for which the Party seeks reimbursement.
- b) Copies of such petitions and supporting documents shall be served by the petitioning Party on all other Parties at the time of filing with the Administrative Law Judge, and proof of service shall be provided. Neither fees nor costs will be awarded in the absence of proper petition therefor.
 - c) Within ~~twenty-one--t~~ 21t days after the service of the petition for an award of attorney's fees and/or costs, all other Parties may file written objections to the petition. Copies of such objections shall be served on all other Parties at the time of filing with the Administrative Law Judge, and proof of service shall be provided. Failure to file such objections shall be deemed a waiver of any objections to the award of fees. No reply in support of the petition or in response to objections may be filed except upon leave granted by the Administrative Law Judge upon motion and good cause shown.
 - d) A Party may request additional time to file a pleading governed by this Section by written motion filed with the Administrative Law Judge stating the reasons therefor. Copies thereof shall be served at the same time on all other Parties. Such requests for extension of time shall be granted where good cause is shown.
 - e) The Administrative Law Judge may convene a hearing to resolve contested issues and may take other steps to produce a complete record with regard to a claim for fees and/or costs.
 - f) Following the submission of the petition for fees and/or costs and objections thereto and the completion of a hearing, if any, the Administrative Law Judge shall prepare a Recommended Order and Decision pursuant to Section ~~Subsection~~ 5300.760(f)(2) of this Part or, in a case proceeding under the alternative hearing procedure, shall prepare a Final Order pursuant to Section 5300.762 of this Part.
- (Source: Amended at 20 Ill. Reg. 7820 = 7820, effective JUN 01 1996)

SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

Section 5300.910 Finality of Recommended Order ~~Not-Final~~

If no timely exceptions to the Recommended Order and Decision are filed in

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

accordance with Section 5300.920 of this Part, the Recommended Order and Decision shall become the order of the Commission without further review. The Commission will serve on the Parties a notification that a Recommended Order and Decision has become the order of the Commission pursuant to this Section. The failure to file exceptions to a Recommended Order and Decision shall constitute a waiver of any arguments which could have been made to a Commission panel. A Party who fails to file exceptions shall be deemed to have failed to exhaust administrative remedies. If exceptions are filed, the Recommended Order and Decision will not be considered final unless and until it is made final by a Commission panel pursuant to this Part. ~~The Administrative Law Judge's recommended order and decision shall not constitute a final order determining or disposing of the proceedings, whether or not exceptions to the recommended order and decision are filed with the Commission as hereinafter provided, the Commission through a three-member panel shall review each recommended order together with the record of proceedings prior to issuance of the final order and decision therein. Only the Commission's decision shall be final.~~

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.945 Acceptance of the Recommended Order for Review

a) Following the filing of written exceptions and responses, a 3-member panel of the Commission shall decide whether to accept the case for review. If the panel declines to review the Recommended Order and Decision, it shall issue a notice to the Parties and enter the notice on the record. Upon the entry of the notice, the Recommended Order and Decision of the Administrative Law Judge shall become the Order of the Commission. In that case, all recommendations shall be considered accepted. If the Administrative Law Judge recommended a final disposition of the Complaint and charge, the Recommended Order and Decision shall be considered final and appealable.

b) Where a time limit is calculated based on the date of service of a Commission order, that time limit shall be calculated based on the date of service of the notice that the Commission has declined review. After the entry of the notice described in this Section, references in the Act or this Part to the Order and Decision of the Commission shall be deemed to be references to the Recommended Order and Decision of the Administrative Law Judge.

(Source: Added at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.950 Oral Argument

Any Party to the proceedings shall be permitted to request **present** oral arguments in support or opposition to the Recommended Order and Decision, by

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

including a written demand therefor at the time of filing exceptions or responses as hereinabove provided. If oral arguments are so requested and if the Commission panel decides to review the Recommended Order and Decision, ~~it the Commission shall set a date for such arguments, to be heard before a three-member panel of Commission members, and shall serve notice in writing of the time and place so fixed to all Parties at least twenty (20) days prior thereto. Any other Party not previously requesting oral argument shall be allowed to present such arguments at the same time and place and should file a written notice of intention to participate with the Commission, with service thereof on all other Parties, not less than ten (10) days prior to the date set. If no Party requests oral argument, and if the Commission panel decides to review the Recommended Order and Decision, it the three-member panel shall decide the case based upon the written record unless at least two members of the panel find that oral argument is necessary to resolve an issue presented by the Recommended Order and Decision, the exceptions or the response. In all such cases the Commission shall serve notice of oral argument in writing. The Commission shall arrange for a record of oral arguments to be made, transcribed and filed in its Chicago office as part of the official record in the case.~~

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

SUBPART K: ORDER AND DECISION OF THE COMMISSION

Section 5300.1110 Commissioners Participating

The Commission, through a panel of three members designated by the Chairperson, shall decide whether to review the Recommended Order and Decision of the Administrative Law Judge. If the panel decides to review the Recommended Order and Decision, it shall review the record and render a decision on behalf of the Commission with respect to all matters covered by the Recommended Order and Decision ~~wherein a recommended order and decision has been rendered.~~

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.1120 Standard of Review

If a panel of the Commission accepts a Recommended Order and Decision for review, ~~it the Commission shall accept the findings of fact of the Administrative Law Judge as true and correct, unless it shall find that such findings or any of them are contrary to the manifest weight of the evidence.~~

(Source: Amended at 20 Ill. Reg. 7820, effective JUN 01 1996)

Section 5300.1140 Order and Decision

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

After a decision has been made to accept a Recommended Order and Decision for review, and after **After** all proceedings provided for in Subparts I, J and K of this Part, except in cases which proceeded under the alternative hearing procedure, the panel of three Commission members shall issue its Order and Decision and shall serve a copy thereof on all parties and the Department personally or by registered or certified mail. Subject to the provisions of this Article, the Order and Decision of the Commission may affirm, reverse or modify in whole or any part the Recommended Order and Decision **recommended order--and decision.**

(Source: Amended at 20 Ill. Reg. 7820, effective
JUN 01 1996)

Section 5300.1145 Interest Interest

Whenever an Order and Decision, or a Final Order in a case proceeding under the alternative hearing procedure, includes an award of interest pursuant to Section 8A-104(J) of the Act, the amount of interest shall be calculated according to the method set forth in this Section. This method shall also be used when a Recommended Order and Decision includes an award of interest and a panel of the Commission declines review.

- a) Liability for interest begins on the first day of the calendar month following the civil rights violation. Interest shall accrue on a monthly basis thereafter. For example, if the violation occurred on June 15, liability for interest would begin on July 1, and the first month's interest would accrue on August 1.
- b) The monthly rate of interest shall be 1/12 of the annual rate of interest for judgments specified in Section 2-1303 of the Code of Civil Procedure [735 ILCS 5/2-1303] ~~§§11-Rev-Stat-1997-CH-1107~~ ~~par-2-1303~~ for the calendar year in which interest accrues.
- c) The monthly rate of interest shall be multiplied by the amount of damages which accrued as of the end of the last day of the month preceding the accrual of interest. For example, to calculate the amount of interest which accrues on August 1, one must multiply the monthly rate of interest by the amount of damages which accrued as of midnight on July 31.
- d) Interest shall compound annually. For example, if the first month's interest accrued on August 1, 1988, the amount of monthly interest for August 1, 1989 would be calculated by adding the damages and interest which accrued as of July 31, 1989. This sum would then be multiplied by the applicable monthly rate.
- e) Interest shall continue to accrue until the payment specified by the Order and Decision has been made.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 5300.1150 Rehearing Before Full Commission

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- a) Within ~~thirty~~-4 30+ days after service of the Commission's Order and Decision, or a notice that review has been declined, issued in accordance with this Article, a Party may petition for rehearing before the entire Commission.
- b) Such petition shall be in writing and filed at the Commission's Chicago office, with service thereof at the same time on all other Parties. The petition shall clearly specify the reasons why rehearing should be granted. The Commission, at its discretion, may order that a response to the petition be filed.
- c) The petition, and response if any, shall be reviewed by the entire Commission and shall be granted only by a vote of six +6+ Commissioners when it is clear that the petition raises legal issues of significant impact or that panels of the Commission have reached conflicting decisions.
- d) The Commission shall issue an Order on every petition, and shall serve a copy thereof on all Parties personally or by registered or certified mail. Whenever a petition for rehearing is granted, the Order order shall notify the Parties of the time and place of oral argument before the Commission and whether any additional written arguments will be considered. Upon the granting of the petition for rehearing, the Commission's Order and Decision will be vacated.
- e) When rehearing has been granted by the Commission in a matter where the Department is not a Party, the Department may request leave to file an amicus brief upon a question of law presented by the petition for rehearing upon motion to the Commission, a copy of which shall be served on all Parties. Such a motion by the Department will be granted by the Commission if it is satisfied that the interests of justice would be served thereby.
- f) Whenever rehearing is granted by the Commission in accordance with this Section, the Commission shall issue an Order and Decision en banc in the same manner as provided in Section 5300.1140.

(Source: Amended at 20 Ill. Reg. 7820 = effective Jan 01 2006)

Section 5300.1170 Interlocutory Appeals

- a) If a Party desires to appeal to the appellate court an Order of a 3-member panel or the full Commission which is not final, a motion for appropriate findings must be made in writing within 14 days after the date of entry of the Order in question. The procedure for consideration of such motions shall be as described in Sections 5300.805 - 5300.865 of this Part.
- b) The filing of a motion under this Section does not act as an automatic stay of the Order in question. If a Party wants the effect of the Order to be stayed while the motion for findings is being considered, this relief must be requested in the motion. If the motion for findings is granted, the Commission will automatically stay

HUMAN RIGHTS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- c) The 3-member panel or the full Commission will grant the motion for findings if it finds that the Order in question involves a question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the ultimate termination of the litigation.
- d) If the Commission makes the required findings, the moving Party must file an application for leave to appeal within 14 days after their entry, in accordance with Supreme Court Rule 308.

(Source: Added at 20 Ill. Reg. 7820, effective JUN 01 1996.)

LEGISLATIVE TRAVEL CONTROL BOARD

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Travel for Legislative Employees
- 2) Code Citation: 80 Ill. Adm. Code 2850
- 3) Section Numbers: Adopted Action:
- | | |
|-----------|--------|
| 2850.110 | Repeal |
| 2850.120 | Repeal |
| 2850.210 | Repeal |
| 2850.220 | Repeal |
| 2850.310 | Repeal |
| 2850.320 | Repeal |
| 2850.410 | Repeal |
| 2850.420 | Repeal |
| 2850.430 | Repeal |
| 2850.510 | Repeal |
| 2850.520 | Repeal |
| 2850.530 | Repeal |
| 2850.540 | Repeal |
| 2850.550 | Repeal |
| 2850.560 | Repeal |
| 2850.570 | Repeal |
| 2850.610 | Repeal |
| 2850.620 | Repeal |
| 2850.710 | Repeal |
| 2850.720 | Repeal |
| 2850.730 | Repeal |
| 2850.740 | Repeal |
| 2850.750 | Repeal |
| 2850.760 | Repeal |
| 2850.770 | Repeal |
| 2850.780 | Repeal |
| 2850.810 | Repeal |
| 2850.820 | Repeal |
| 2850.830 | Repeal |
| 2850.840 | Repeal |
| 2850.910 | Repeal |
| 2850.920 | Repeal |
| 2850.930 | Repeal |
| 2850.940 | Repeal |
| 2850.950 | Repeal |
| 2850.1010 | Repeal |
| 2850.1020 | Repeal |
| 2850.1110 | Repeal |
| 2850.1120 | Repeal |
| 2850.1130 | Repeal |
| 2850.1210 | Repeal |
| 2850.1220 | Repeal |
| 2850.1230 | Repeal |

LEGISLATIVE TRAVEL CONTROL BOARD

NOTICE OF ADOPTED REPEALER

2850.APPENDIX A Repeal

- 4) Statutory Authority: Implementing and authorized by Section 12-2 of the State Finance Act [30 ILCS 105/12-2].
- 5) Effective Date of Repealer: May 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 13, 1996
- 9) Notice of Proposal Published in Illinois Register: March 1, 1996, 20 Ill. Reg. 3748
- 10) Has JCAR issued a Statement of Objections to this rule: No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: Section 12-5 of the State Finance Act, which authorized the Legislative Travel Control Board to promulgate travel regulations, was repealed by Section 2 of P.A. 84-345, effective January 1, 1986. Legislative employees are currently subject to regulations adopted by the Travel Regulation Council pursuant to Section 12-2 of the State Finance Act and Board policies promulgated thereunder.

16) Information and questions regarding this adopted repealer may be directed to:

Tom Erickson
Office of The Auditor General
1155 Park Plaza
740 E. Ash St.
Springfield, IL 62703
(217) 782-1009
TDD: (217) 524-4646

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Number: 101.110
Adopted Action: New Section
- 4) Statutory Authority: Implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) Effective Date of Adopted Rules: June 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference? This rulemaking does not incorporate by reference any federal statutes or regulations or rules of another State agency.
- 8) Date Filed in Agency's Principal Office: June 4, 1996
- 9) Notice(s) of Proposal Published in Illinois Register: 19 Ill. Reg. 13714 (October 6, 1995).

10) Has JCAR issued a Statement of Objections to these rules? No. JCAR has not issued an objection to these rules.

11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period have been made.

The Department made the following changes in response to public comments:

Section 101.110(a)(2) - Added; old (2) relabeled as (3); old (3) relabeled as (4).

Section 101.110(b) - Added after the phrase "shall notify" the following: "the agency's chief executive officer"; after the word "writing", added "via certified mail".

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

Section 101.110(b)(3) - Added after "notification": "The Department shall schedule the hearing within 60 days after the receipt of the agency's request."

Section 101.110(c) - Added after "officer" in the first sentence: "via certified mail".

Section 101.110(g) - Added after "mail" in the second sentence: "at least 10 days before the hearing".

Section 101.110(i)(4) - Added final sentence: "The agency shall be given a copy of the tape or transcript upon request."

Section 101.110(k) - Substituted "25" for "15" before "working days"; substituted "close of evidence" for "hearing" before the first comma in the first sentence.

Section 101.110(l) - Deleted; subsection (m) relabeled as (l).

Section 101.110(1)(1) - Substituted the word "and" for the comma after "recommended decision"; deleted the phrase "copies of all" before the word "documents" in the first sentence. Deleted the phrase "and the agency's brief, if submitted" after the word "hearing" in the second sentence.

The Department made the following technical changes:

Main and Section Source Notes - Replaced "19" with "20" before "Ill. Reg."

Section 101.110(a) - Deleted the word "audit" after the word "Department".

The Department made the following changes in response to agreements made with the Joint Committee on Administrative Rules:

Section 101.110(1)(1) - In the third sentence, deleted the phrase "or the agency's brief (if submitted)". Although the Department made this change for second notice, it failed to include this change in the transmittal describing the changes made in response to public comment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all changes have been made.

13) Will these rules replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: Section 101.110 sets out the procedures for

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

appeals under Sections 7 and 8 of the Grant Funds Recovery Act [30 ILCS 705/7 and 8] of the decisions of the Department that grant funds have been mispent or improperly held by a community agency. Section 101.110 sets out the criteria for recovery, the procedure for requesting a hearing before an administrative law judge, and the procedure governing the hearing. This Section provides that the judge shall issue a recommended decision to the Department Director, who shall render the final administrative decision. That decision may be appealed to the circuit court.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield, IL 62765
(217) 785-3313
FAX: (217) 524-8920

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 101
ADMINISTRATION

- Section
101.10 Illinois Department of Mental Health and Developmental Disabilities
-- Internal Organization (Repealed)
- 101.20 Service recipients activity fund in Department facilities
- 101.30 Payments to the account of service recipients
- 101.60 Service contracts (Recodified)
- 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members
- 101.80 Conflict of interest
- 101.90 Specialized living centers
- 101.100 Community mental health and developmental disabilities service provider participation fee trust fund
- 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

APPENDIX A Organization Charts (Repealed)

- ILLUSTRATION A Illinois Department of Mental Health and Developmental Disabilities (Repealed)
- ILLUSTRATION B Associate Director (Repealed)
- ILLUSTRATION C Division of Developmental Disabilities (Repealed)
- ILLUSTRATION D Division of Alcoholism (Repealed)
- ILLUSTRATION E Division of Management Services (Repealed)
- ILLUSTRATION F Division of Community Services and Interagency Affairs (Repealed)
- ILLUSTRATION G Region 1A Office (Repealed)
- ILLUSTRATION H Region 1B Office (Repealed)
- ILLUSTRATION I Region 2 Office (Repealed)
- ILLUSTRATION J Region 2 Developmental Disabilities (Repealed)
- ILLUSTRATION K Region 3A Office (Repealed)
- ILLUSTRATION L Region 3B Office (Repealed)
- ILLUSTRATION M Region 4 Office (Repealed)
- ILLUSTRATION N Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414,

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

U.S.D.C., N.D. IL (June 2, 1993)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984; Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 20 Ill. Reg. 7856, effective JUN 07 1996.

Section 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

The Department shall recover grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705] if it believes the funds have been misspent or improperly held. If the grantee agency disagrees with the Department's decision to recover funds, it may appeal the decision, and the Department shall conduct a hearing in accordance with this Section.

- a) Criteria for recovery
- Grant funds shall be subject to recovery if the Department finds that the grant funds:
- 1) Received by the agency are in excess of actual reimbursable expenses by program;
 - 2) Were transferred between programs, unless permission was requested of the Department in writing and was approved;
 - 3) Were not spent for the purposes specified in the grant agreement; or
 - 4) Were not expended or expended by the expiration date of the grant.

b) Informal hearing

If the Department believes that grant funds received by a grantee agency are subject to recovery under the Illinois Grant Funds Recovery Act, it shall notify the agency's chief executive officer of that fact in writing via certified mail. The letter of notification shall contain:

- 1) The amount the Department believes is subject to recovery;
- 2) An offer to have an informal hearing with Department staff to resolve issues before issuing a notice of intent pursuant to subsection (c) of this Section; and
- 3) A statement that any agency wishing to have an informal hearing must request an informal hearing in writing within 15 calendar

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

days after receipt of the Department's letter of notification. The Department shall schedule the hearing within 60 days after the receipt of the agency's request. The agency shall send its letter of request to:

Department of Mental Health and
Developmental Disabilities
100 North 9th Street
Springfield, IL 62765
Attn: Grant Funds Recovery Act Appeals

- c) Notice of intent to recover
If the informal hearing does not resolve the matter or if the agency does not request a hearing within the time specified in subsection (b) of this Section, the Department shall send a notice of intent to recover to the agency's chief executive officer via certified mail. Such notice shall include the amount to be recovered, the facts permitting recovery, a statement of right to appeal the Department's findings, a description of the appeal procedure and a statement that if the agency does not appeal or respond to the letter, the Department shall take action to recover the amount specified.
Request for an appeal
An agency wishing to appeal may do so by sending a letter to the Department requesting an appeal. The letter shall be sent within 35 calendar days after receipt of the notice of intent to recover sent to the Department at the address in subsection (b)(3) of this Section.
- d) Stay of proceedings
The request for a hearing shall stay any further action by the Department to recover the funds until the resolution of the appeal.
Administrative law judge
The hearing shall be conducted by an administrative law judge appointed by the Department's Director.
- e) Scheduling and notice of hearings
Within 60 calendar days after receipt of the appeal, the administrative law judge shall schedule a hearing, to be held in the Department's central offices or a place agreed to by the administrative law judge, the Department staff involved and the agency. The administrative law judge shall send a written notice of the hearing to the agency via certified mail at least 10 days before the hearing. The notice shall contain a statement of:
- 1) The nature of the hearing;
 - 2) The time and place of the hearing; and
 - 3) The right to be represented by an attorney at the agency's expense.
- b) Continuances
The administrative law judge may, on good cause shown, grant a continuance if requested by the agency.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

i) Conduct of hearings

- 1) The administrative law judge shall:
 - A) Regulate the course of the hearings;
 - B) Hold informal conferences for the purpose of resolving the case;
 - C) Dispose of procedural issues;
 - D) Continue the hearing from time to time when necessary;
 - E) Examine witnesses; and
 - F) Rule upon the relevance of evidence.
- 2) At the hearing, the agency and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery, as defined in subsection (a) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.
- 3) The common law rules of evidence shall not be enforced in the hearing. The administrative law judge shall conduct the hearing in a manner that allows participants to present their evidence fully and freely. Either party may ask questions of each other or any witness, and the administrative law judge may ask questions of either party or any witness. Questions impeaching the witness' character or credentials shall be improper.
- 4) The hearing shall be taped or stenographically recorded and the Department shall retain the tape or a copy of the transcript. The agency shall be given a copy of the tape or transcript upon request.
- j) Standard of review
In all appeals, the administrative law judge shall determine whether there was substantial evidence supporting the Department's findings that the funds were subject to recovery.
- k) Recommended decision
Within 25 working days after the close of evidence, the administrative law judge shall issue a written decision that recommends upholding, modifying or reversing the Department's findings. The recommended decision shall contain the reasons for the administrative law judge's action. The administrative law judge shall mail copies to the agency, the Department's Chief, Bureau of Community Fiscal Services and the Department's Director. The agency's copy shall be sent via certified mail.
- l) Final administrative decision and recovery order
 - 1) The Director or his or her designee shall review the administrative law judge's recommended decision and documents considered at the hearing. Within 20 working days after receipt of the recommended decision, the Director or his or her designee shall issue a final decision adopting, modifying or reversing the administrative law judge's recommended decision. If the Director or his or her designee determines that the recommended decision

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

was supported by substantial evidence, he or she shall adopt the recommended decision. If the Director determines that the funds are subject to recovery, he or she may specify the method of recovery. Copies of the final decision shall be sent to the agency, the Department and the administrative law judge. The agency's copy shall be sent via certified mail. If the Director or his or her designee holds that the funds were subject to recovery, the Director shall issue a recovery order for the funds.

- 2) The Director's or his or her 8s; decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].

(Source: Added at 20 Ill. Reg. **7856**, effective
JUN 07 1996)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Designation of Restricted Waters in the State of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 2030
- 3) Section Numbers: Adopted Action:
2030.30 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].
- 5) Effective Date of Rulemaking: June 3, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 31, 1996
- 9) Notice of Proposal Published in Illinois Register: March 15, 1996, 20 Ill. Reg. 4233
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 2030.30(e), "ten (10) horsepower)" was replaced with "10 horsepower)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to modify the existing "No Boat" area at North Point. Navigation around the harbor entrance at North Point Marina has, in the last year, become extremely hazardous due to the presence of a large number of personal watercraft using the adjacent beach area. By prohibiting any watercraft from using this beach area, boating activity related to the shoreline would be shifted to the beachfront further away from the harbor entrance, thereby decreasing congestion.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Jack Price
Address: Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

524 S. Second Street, Room 430
Springfield, IL 62701-1787
Telephone: 217/782-1809

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2430

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

- 2030.10 General Regulations
- 2030.10 General Regulations (Repealed)
- 2030.15 Designation of Restricted Waters by the Department of Conservation
- 2030.20 Region I - Designated Restricted Boating Areas
- 2030.30 Region II - Designated Restricted Boating Areas
- 2030.40 Region III - Designated Restricted Boating Areas
- 2030.50 Region IV - Designated Restricted Boating Areas
- 2030.60 Region V - Designated Restricted Boating Areas (Repealed)
- 2030.70 Riverboat Gambling Casinos - Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (625 ILCS 45 5-7 and 5-12).

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective JUN 05 1996.

Section 2030.30 Region II - Designated Restricted Boating Areas

- a) The following portions of the Calumet and Little Calumet Rivers are designated as Slow, No Wake areas:

- 1) An area from the O'Brien Locks to the Michigan Central Railroad Bridge (approximately mile 326.5 to 325.3).
- 2) An area around the pier 11 Marina and the 18th Street Marina.
- 3) An area around the Maryland Manor Boat Club (approximately mile 323.2 to 322.2).
- 4) An area around Triplex Marina (approximately mile 323.2 to 322.2).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 319.8).
- b) The following portions of the Des Plaines River are designated as Slow, No Wake areas:
- 1) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7), extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.
 - 2) An area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.
- c) The following portion of the Fox River is designated as a Slow, No Wake area:
- An area within 150 feet upstream and downstream of the I-90 bridge.
- d) The following portions of Lake Michigan are designated as No Boat areas:
- 1) An area at North Point Marina, located off the northern breakwater, running the length of the beach ~~400 yards~~ parallel to the shoreline and 100 yards out into the lake.
 - 2) An area at Illinois Beach State Park, located between the park office and the #3 bathhouse, running parallel to the shoreline and 70 yards out into the lake.
- e) It shall be unlawful to operate any watercraft with a motor larger than ~~ten~~ 10+ horsepower on the waters of Griswold Lake in McHenry County.

(Source: Amended at 20 Ill. Reg. 7864, effective JUN 18 1996)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Adopted Action:
1400.60 Amendment
- 4) Statutory Authority: Implementing Section 11 of the Clinical Psychologist Licensing Act [225 ILCS 15/11].
- 5) Effective Date of Amendments: May 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 29, 1996
- 9) Date Notice of Proposal Published in Illinois Register: March 22, 1996, at 20 Ill. Reg. 4521
- 10) Has JC&AR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
Section 1400.60(b)(3) wording was changed to refer to "accredited schools" rather than to "accredited programs".
- 12) Have all the changes agreed upon by the Agency and JC&AR been made as indicated in the agreement letter issued by JC&AR? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
Public Act 89-0387, effective August 18, 1995, provides for the licensure of persons who have been licensed to practice psychology in one or more other states or Canada for at least 20 years. This rulemaking sets forth application procedures.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400

CLINICAL PSYCHOLOGIST LICENSING ACT

Section	
1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application for Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Section 1400.20(b)(10) and (c)(2)(H) and Section 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 989, effective June 30, 1994; amended at 20 Ill. Reg. ~~7868~~ **7868**, effective June 30, 1994.

MAY 3 1994

Section 1400.60 Endorsement

- a) Any person who is currently licensed in another state or territory of the United States or a foreign country desiring to obtain a license as a licensed clinical psychologist pursuant to Section 11 of the Act shall file an application with the Department, on forms provided by the Department, which shall include:
- 1) A certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- A) The date of issuance of the applicant's license;
 B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 2) A complete work history since completion of a baccalaureate degree program;
- 3) Certification of graduation from a psychology program as defined in Section 1400.20 of this Part; and official transcripts from the applicant's doctoral program. Submission of official transcripts shall be for the purpose of verifying participation in the educational program;
- 4) A copy of the Act and rules from the state of original licensure that which were in effect at the time of licensure;
- 5) Professional experience reference forms verifying the length, exact time, number of hours per week and description of functions of the applicant's employment and that the experience was obtained pursuant to Section 1400.30 of this Part. All experience information shall be submitted at the time of application. References shall be completed by the person who supervised the applicant pursuant to Section 1400.30 of this Part; and
- 6) The required fee specified in Section 24(3) of the Act.
- b) Any person currently licensed in the United States or Canada desiring to obtain a license as a licensed clinical psychologist under the provisions for senior psychologists who have been licensed for at least 20 years pursuant to Section 11 of the Act shall file an application with the Department that shall include:
- 1) A certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating:
- A) The date of issuance of the applicant's license and the level of licensure;
- B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
- C) If multiple levels of practice are licensed, that the license is at the highest level of practice in that jurisdiction; and
- D) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
- 2) Proof that the applicant has been actively and lawfully licensed to practice clinical psychology in another state or Canada for at least 20 consecutive years and that such license(s) has never been disciplined by another state or Canada. An applicant whose license has been disciplined by another jurisdiction shall not be eligible nor shall the applicant be issued a license pursuant to this subsection (b); however, such applicant's credentials may be reviewed pursuant to subsection (a) or by examination;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 3) Verification of a doctoral degree in psychology from a college, university or school that was regionally accredited in the jurisdiction in which it is located by a body recognized by the Council on Postsecondary Accreditation at the time the degree was granted and an official transcript;
- 4) A complete work history since licensure as a psychologist; and
- 5) The required fee specified in Section 24(3) of the Act.
- c) Each application shall be reviewed on an individual basis by the Committee in accordance with this Section.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
- 1) Provide such information as may be necessary; and/or
- 2) Appear for an oral interview(s) before the Committee.
- e) Upon recommendation of the Committee and approval by the Department, the applicant shall be notified of eligibility to sit for the examination, issued a license by endorsement or notified of the reasons for denial of the application.

(Source: Amended at 20 Ill. Reg. 7868, effective MAY 30 1996)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3) Section Numbers:
 1150.10 Adopted Action:
 Amendment
 1150.20 Amendment
 1150.Illustration A Amendment
 1150.Appendix A Amendment
- 4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305].
- 5) Effective Date of Amendments: May 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 29, 1996
- 9) Date Notice of Proposal Published in Illinois Register: February 2, 1996, at 20 Ill. Reg. 1737
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:

Numerous technical and organizational changes were made to improve consistency and clarity.

In Section 1150.20(c)(1)(A) and (B), new language was added which made it no longer necessary to use the description "an office of a registered architect".

All references to "value units" were changed to "training units" to more appropriately define the units of training experience.

The chart of training settings under Section 1150(c)(1) was changed to include the categories and figures of training with the maximum training units allowed to be consistent with current Intern Development Program requirements.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace an Emergency Amendment currently in effect?
No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
 This rulemaking updates sections pertaining to the Intern Development Program, including the addition of a requirement that all applicants utilize the National Council of Architectural Registration Board or an equivalent record keeping entity recommended by the Architect Licensing Board to collect, evaluate and certify all training data and records required for compliance with this Part. Currently, applicants are permitted to maintain their own training records.
 In addition, Section 1150.Illustration A was amended to incorporate limited liability companies into a list of architect seal requirements.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 (217) 785-0800 Fax: (217) 782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10 Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990

1150.20 Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990

1150.30 Application for Licensure by Examination

1150.40 Examination

1150.50 Approved Architecture Programs

1150.60 Licensure by Endorsement

1150.65 Inactive Status

1150.70 Restoration

1150.80 Corporations and Partnerships

1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

1150.90 Standards of Professional Conduct

1150.95 Architecture Complaint Committee

1150.100 Renewals

1150.110 Granting Variances

ILLUSTRATION A Architect Seal Requirements

APPENDIX A Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective MAY 3 1996.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1150.10 Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990

The education and diversified professional training required for examination for licensure under the Illinois Architecture Practice Act (1989 Rev. Stat. 1991 Ch. 117, pars. 1301 through 1340) [225 ILCS 305] (the Act) are set forth in this Section and Section 1150.20. Applicants initiating their education after January 1, 1990, shall meet the requirements set forth in this Section. Individuals who initiated their training prior to the effective date of this Section may have the training evaluated pursuant to this Section or Section 1150.20.

a) Education Requirements

1) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB):

- A) Bachelor of Architecture degree; or
- B) Master of Architecture degree.

2) Applicants with a degree from a program not accredited by the NAAB:

- A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section 1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB; or
- B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Circular of Information No. 3, as certified by NCARB. This includes the requirement that applicants with a degree from a program not accredited by the NAAB must complete an Education Evaluation Services for Architects (EESA) Comprehensive Evaluation Report. Applicants may obtain the report from Educational Credential Evaluators, Inc., P.O. Box 92970, Milwaukee, WI 53202-0970.

b) Diversified Professional Training Requirements

1) An applicant must complete either the Intern Development Program (IDP) training requirements (June 1, 1997 to July 1, 1998, no later additions or amendments included) of the National Council of Architectural Registration Boards (NCARB), 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006, or the training requirements set forth in this Section. The applicant may satisfy the requirements in effect at the time the training commenced.

2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training value units based on the education requirements set forth in subsection (3) below. One training value unit equals eight hours of acceptable activity. Acceptable activities are set forth in Appendix A of the NCARB IDP Guidelines. (A copy of these guidelines is

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

available from the Department or NCARB.) Applicants may earn training value units for training acquired through one of three ways:

- A) Participation: experience is acquired when the applicant actually performs a particular task; or
- B) Observation: experience is acquired when the applicant works under the direction and control of a licensed architect who is performing the task; or
- C) Supplementary Supplemental education training approved by the Board in accordance with IDP Guidelines.

- 3) Training value units shall be earned in prescribed categories and under requirements set forth in Appendix A of this Part. The required number of training value units will vary according to the following educational requirements:

- A) Applicants who meet the educational requirements set forth in subsection (a)(1) and (a)(2)(B) shall complete 700 training value units pursuant to Section 1150. Appendix A, Column (1).

- B) Applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 training value units pursuant to Section 1150. Appendix A - Column(2).

- 4) All applicants shall may utilize NCARB or an equivalent record keeping entity recommended by the Board, approved by the Department, and listed on the application materials to collect, evaluate and certify all training data and records required for compliance with this Part. or applicants may choose to maintain their own training records on forms provided by the Department. When an applicant maintains his/her own training records, the applicant accepts full responsibility for a continuous accurate record of verified experience and will only have the training records evaluated after completion of the training and submission of an application for examination to the Department.

- 5) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Architect Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or information needing further clarification, the applicant will be requested to provide such information as necessary.

(Source: Amended at 20 Ill. Reg. 7873, effective MAY 3 1990)

Section 1150.20 Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

The education and diversified professional training/experience (training) required for licensure for individuals whose education was initiated prior to January 1, 1990, as required by Section 13 of the Act shall be evaluated under the requirements of this Section.

- a) Education Requirements (and related training experience required):

- 1) A 6 year professional degree in architecture from a program accredited by the NAAB plus 2 years of approved training;
- 2) A 5 year professional degree in architecture from a program accredited by the NAAB plus 3 years of approved training;
- 3) A pre-professional 4 year baccalaureate degree in architecture from a program acceptable for direct entry into a professional master of architecture degree plus 5 years of approved training. 7
- 4) Unit-January-1-1996-a-degree-in-architecture-from-a-program not-accredited-by-the-NAAB-but-approved-pursuant-to-the provisions-of-Section-1150.50:
 - A) Master's degree plus 4 years of approved training. 7
 - B) 5-year-bachelor's-degree-plus-4-5-years-of-approved-training. 7

- E) 4-year-bachelor's-degree-plus-5-years-of-approved-training. 7
- B) A-4-year-degree-in-an-architecture-related-field-or-from-a program-which-does-not-meet-the-requirements-of-Section 1150.50-plus-6-years-of-approved-training-For-the-purposes of-this-Section-the-Department-upon-recommendation-of-the-Board-has-determined-an-architecture-related-field-as:
 - landscape-architecture. 7
 - interior-design. 7
 - building-technology. 7
 - construction-management. 7
 - urban-and-regional-planning. 7
 - historic-preservation-and
 - architectural-civil-mechanical-structurally-general-or electrical-engineering. 7 or

- B) A-4-year-or-more-nonarchitectural-degree-from-an-approved college-plus-7-years-of-approved-training. 7

- b) Diversified Professional Training commenced prior to January 1, 1994, shall meet the following requirements:

- 1) All training shall be acquired:
 - A) After completion of 2 years of architecture or architectural related program, or after one year in a NAAB accredited master's degree program; and
 - B) Under the direct supervision and control (as defined in Section 14 of the Act) of an architect licensed in a jurisdiction of the United States of America or its territories.
- 2) Approved training consists of successful performance of work relating to professional services, described in Section 5 of the Act.
- 3) A candidate shall have training in the office of a licensed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

architect which may include branches of Federal, State, County and Municipal governments and branches of the United States Armed Forces.

4) Any training claimed by an applicant shall be validated by the supervising architect(s) on forms supplied by the Department.

5) Full-time employment with 1 employer of less than 1 month duration shall not be counted toward the training requirements of this Section.

6) Part-time employment for periods in excess of 2 consecutive months shall be counted as one half week for each 20 hours of employment.

7) Full-time teaching experience of 2 academic years in an approved architecture program will be counted as 1 year training. A maximum of 1 year of training shall be given for teaching experience. Any teaching experience claimed must be validated by the chief administrative officer of the school offering the architectural program.

8) An applicant cannot earn more than 40 hours per week of approved training (i.e., overtime does not qualify for additional approved training). One year is considered to be a period of 52 weeks with a minimum of 35 hours per week.

9) In lieu of the above training, the Department will accept successful completion of the Intern Development Program of NCARB. c) Diversified Professional Training Commenced after December 31, 1993, shall meet the following requirements:

1) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have training-credits-in accordance-with-the-level-of-education--scheduled--under subsections--(a) through--(e) of--this--Section--or--have satisfied the IDP training requirements in accordance with Appendix A of this Part. An applicant who has satisfied the these training requirements standards is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in Appendix A and IDP Guidelines. (An applicant with the required number of training units credits may nonetheless be denied approval of training if that training is not diversified.) One training unit equals 8 hours of acceptable experience. The following table sets forth the training settings ways in which training units credits may be acquired:

DESCRIPTION-OF TRAINING AND-CREDITS SETTINGS	PERCENT-CREDIT ALLOWED		MAXIMUM TRAINING CREDITS UNITS	
	ALLOWED	PERCENT	ALLOWED	PERCENT

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

A)--Training-that-does-not fit-these-descriptions will-receive-no-credit-

No Limit

100%

AB) Training in architecture as as an employee of an organization when the experience is under the direct supervision of a licensed architect and when the architectural practice in which the applicant works (a) is in the charge of a person practicing as a principal and (b) encompasses the comprehensive practice of architecture, including each of the categories found in Section 1150. APPENDIX A (a).

Experience-in-architecture as-an-employee-in-the office-of-a-licensed-architect or

465

B) Training in architecture as an employee of an organization when the experience is under the direct supervision of a licensed architect and when the organization does not encompass the comprehensive practice of architecture, including each of the categories found in Section 1150. APPENDIX A (a).

as-an-employee-of-an-organization together-than-offices-of-licensed architects)-when-the-experience-is-under the-direct-supervision-of-a-licensed architect.

50%

C) Experience directly related to architecture under the direct supervision of a

2351-year in Categories B, C and D of

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION

96

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- d) The verification of training shall be submitted to the Department at the time of application for examination as an architect.
- e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Department or the Board because of discrepancies or conflicts in information, a need for additional information or information needing further clarification, the applicant will be requested to provide such information as necessary.

d) In lieu of the above training, the Department will accept successful completion of the Intern Development Program of NCARB.

(Source: Amended at 20 Ill. Reg. 7873, effective

MAY 30 1996)

Section 1150. ILLUSTRATION A Architect Seal Requirements

- a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of construction documents utilized as contract documents or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's direct supervision and control. The sheet of construction documents on which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply (Section 14 of the Act).
- b) Partnerships may utilize a reproducible seal or facsimile which contains all partners names and license numbers, provided that the partner(s) responsible for the construction documents for the building shall sign and seal in the manner prescribed in subsection (a) above. All construction documents issued by an architectural firm, corporation, limited liability company or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.
- c) The following is a suggested facsimile of the design and lettering of the seal:



expires 11-30-19--

signature

(Source: Amended 1996 MAY 30 20 Ill. Reg. 7873, effective

20 Ill. Reg.

effective

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1150.APPENDIX A Categories of Diversified Professional Training

- a) Categories of diversified professional training and corresponding minimum training ~~value~~ unit requirements in each category are as follows (For Total Training ~~Value~~ Units required for various educational levels, See Section 1150.10(b)(3)(A) and (B)):

CATEGORY A: DESIGN AND CONSTRUCTION DOCUMENTS
(Column 1) (Column 2)

1) Programming	10	20
2) Site and Environmental Analysis	10	20
3) Schematic Design	15	30
4) Engineering Systems Coordination	15	30
5a) Building Cost Analysis	10	20
5b) Code Research	15	30
76) Design Development	40	80
87) Construction Documents	135+45	270+90
98) Specifications and Materials Research	15	30
109) Document Checking and Coordination	10+5	20+0

MINIMUM TRAINING ~~VALUE~~ UNIT TOTALS: 350 700

CATEGORY B: CONSTRUCTION ADMINISTRATION

11+0) Bidding and Contract Negotiation	10	20
12+1) Construction Phase-Office	15	30
13+2) Construction Phase-Observation	15	30

MINIMUM TRAINING ~~VALUE~~ UNIT TOTALS: 70 140

CATEGORY C: OFFICE MANAGEMENT

14+3) Project Management	15	30
15+4) Office Management	10	20

MINIMUM TRAINING ~~VALUE~~ UNIT TOTALS: 35 70

CATEGORY D: RELATED ACTIVITIES

16+5) Professional and Community Service	10	20
MINIMUM TRAINING VALUE UNIT TOTALS:	10	20

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Related activities include diversified professional training in energy conservation, computer applications, regional and urban planning, interior design, landscape architecture, construction management, environmental and structural engineering, applied and theoretical research, teaching, historical restoration and professional delineation.

- b) The listing above of required minimums in Categories A, B, C and D totals 465 Training ~~Value~~ Units (TU's ~~VB+5~~) [Column (1)] and 930 TU's ~~VB+5~~ [Column (2)] allowing for the additional TU's ~~VB+5~~ to be acquired in any of the listed categories. All of the additional TU's ~~VB+5~~ may be acquired in one category or distributed among the categories.

c) Explanation of Requirements

- 1) TU's ~~VB+5~~ in categories A, B, C, and D and E may be acquired only if the applicant meets the time requirements of Section 1150.20(c)(2)(C). ~~VB+5 may be acquired in Category B if the activity is substantial and continuous.~~

Full TU ~~VB~~ credit is earned for acceptable full-time and part-time employment in the settings described in Section 1150.20(c)(1)(A), (B), (C), and (D) and (E).

- 2) No TU's ~~VB+5~~ may be acquired prior to meeting the requirements of Section 1150.20(c)(2)(A).

- 3) Applicants with a post-professional degree in architecture or a NAAB accredited Master of Architecture degree qualify for 235 TU's ~~VB+5~~ under Category D.

- 4) An IDP applicant may earn TU's ~~VB+5~~ by completing Board-approved supplementary education programs: Supplementary education cannot be used to satisfy the minimum TU ~~VB~~ requirements in training areas 1-16 1-15. No TU's ~~VB+5~~ may be earned for supplementary education prior to receiving his or her highest educational degree. (See Section 1150.10(a)7.)

- 5) The TU's ~~VB+5~~ which may be earned under (c)(3) and (4) above may not exceed 235 TU's ~~VB+5~~.

- 6) To satisfy Category A Categories--A--and--B of the training requirements, TU's ~~VB+5~~ (including TU's ~~VB+5~~ earned from supplementary education) in those categories must be acquired when employed in the settings described in Section 1150.20(c)(1)(A), (B) and (E).

- 7) A minimum of 235 TU's ~~VB+5~~ must be acquired in the setting described in Section 1150.20(c)(1)(A) after having received his or her highest educational degree. (See Section 1150.10(a)7.)

- 8) In evaluating training, the Board may, prior to licensure certification, require substantiation of the quality and character of the training, notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.

- 9) For detailed description of the IDP training categories and supplementary education requirements, see IDP Guidelines.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 20 Ill. Reg. **7873**, effective
MAY 30 1996)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Numbers: Adopted Action:
1285.120 Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]
- 5) Effective Date of Amendments: May 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 29, 1996
- 9) Date Notice of Proposal Published in Illinois Register: February 23, 1996, at 20 Ill. Reg. 3457
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Renewals Section of the rules for the Medical Practice Act of 1987 is being amended to clarify that any licensee applying for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Department of Professional Regulation against the licensee.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
 Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 (217) 785-0800 Fax: (217) 782-7645

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six (6) Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Clinical Skills Standards for Applicants Having Graduated More Than
	Five (5) Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders
1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care
	Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1285.270 Inspection of Physical Premises
1285.275 Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section
1285.310 Public Access to Records and Meetings
1285.320 Response to Hospital Inquiries
1285.330 Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. ~~7888~~, effective MAY 30 1996.

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section 1285.120 Renewals

- a) Every license issued under the Act shall expire on July 31, 1990, and every third year thereafter. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee stated in Section 21(e)(5) of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing or operating on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.
- d) Any licensee applying for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Department against the licensee.

(Source: Amended at 20 Ill. Reg. 7888, effective MAY 30 1996)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action: 112.30
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and 45 CFR Ch. 11, 233.39(b)(ii).
- 5) Effective Date of Amendments: June 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1996
- 9) Notice of Proposal Published in Illinois Register: February 9, 1996 (20 Ill. Reg. 2336)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 112.30(b)(3), the comma after "University" was stricken and "Illinois Office of Education" was changed to "State Board of Education".
 2. In Section 112.30(b)(3)(D), "that provides" was deleted.
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? NO
- 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|---------------------------------------|
| 112.71 | Amendment | February 23, 1996 (20 Ill. Reg. 3461) |
| 112.98 | Amendment | April 26, 1996 (20 Ill. Reg. 5965) |
- 15) Summary and Purpose of Amendments: Previously, children in an AFDC case

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS
PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN
SUBPART A: GENERAL PROVISIONS
Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference
SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.65 Employment Plan
112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Adolescent Parent Program
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

could be absent from the home for a period not expected to exceed three months and remain eligible for AFDC. However, residential programs typically exceed the three-month absence limit. Now, those students who are 18 years old and enrolled in a residential program, rather than a high school, will be eligible to remain on AFDC.

These amendments establish that children in an AFDC case are to be included in the case when they are attending a residential program that provides a regular curriculum of instruction equivalent to that which leads to a high school diploma. These residential programs usually include various life skills and vocational training. As a result of this rulemaking, for children attending one of these residential programs, the three-month absence limit will not apply. The child will remain in the AFDC case and receive cash and/or medical assistance. If the child is age 18, the child must be expected to complete the residential program before attaining age 19 to remain eligible for assistance.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

112.83 Young Parents Program
 112.84 Work Experience Evaluation Project
 112.85 Four Year College/Vocational Training Demonstration Project

Section
 112.86 Project Advance
 112.87 Project Advance Experimental and Control Groups
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
 112.90 Project Advance Sanctions
 112.91 Good Cause for Failure to Comply with Project Advance
 112.93 Individuals Exempt From Project Advance
 112.95 Project Advance Supportive Services

SUBPART E: PROJECT ADVANCE

112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 AFDC Income Limit

SUBPART F: EXCHANGE PROGRAM

SUBPART H: PAYMENT AMOUNTS

Section
 112.98 Exchange Program

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Farmarked Income
 112.127 Lump Sum Payments
 112.128 Protected Income
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Disregard (Repealed)
New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section
112.350 Child Care
112.352 Child Care Eligibility
112.354 Qualified Provider
112.356 Notification of Available Services
112.358 Participant Rights and Responsibilities
112.362 Additional Service to Secure or Maintain Child Care Arrangements
112.364 Rates of Payment for Child Care
112.366 Method of Providing Child Care
112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility
112.404 Duration of Eligibility for Transitional Child Care
112.406 Loss of Eligibility for Transitional Child Care
112.408 Qualified Child Care Providers
112.410 Notification of Available Services
112.412 Participant Rights and Responsibilities
112.414 Child Care Overpayments and Recoveries
112.416 Fees for Service for Transitional Child Care
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9027, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 15, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20347, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 5994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective JUN 01 1996.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.30 Age

a) There is no minimum or maximum age requirement to be designated as or to receive assistance as a caretaker relative. If an individual receives financial assistance as a caretaker relative that individual shall not be considered as a child in the determination of the level of assistance.

b) To be included in the assistance grant as a dependent child, the child must be under age 18 or age 18 and a full-time full-time high school senior (or equivalent level) and will finish school before reaching age 19.

1) Dependent children who are 16 or 17 years of age and not in full-time school attendance must meet mandatory work Demonstration Program/Illinois State Employment Services (WDP/ISES) registration requirements.

2) During summer vacation a dependent child who intends to return to school, or one who experiences a temporary illness (not to exceed 90 days) which precludes school attendance is to be considered a full-time student.

3) Full-time attendance must be in a school, college or university approved by the State Board ~~Illinois-Office~~ of Education, defined as follows:

- High School -- 25 clock hours per week, or in a special secondary education program of training which is designed to fit him or her for gainful employment and is defined by the school as full-time attendance.
- Vocational or technical school -- 30 clock hours per week when program involves shop practice, 25 clock hours per week when program does not involve shop practice.
- College or university -- 12 semester or quarter hours.
- Residential program -- a regular curriculum of instruction that is equivalent to that which leads to obtaining a high school diploma. The program may include various life skills and vocational training. If the child is age 18, the child must be expected to complete the program before attaining age 19.

(Source: Amended at 20 Ill. Reg. 7892, effective JUN 01 1996.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: Food Stamps
- Code Citation: 89 Ill. Adm. Code 121
- Section Number: Adopted Action: Amendment 121.58
- Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and the Mickey Leland Memorial Domestic Hunger Relief Act of 1990.
- Effective Date of Amendments: June 1, 1996
- Does this rulemaking contain an automatic repeal date? No
- Do these Amendments contain incorporations by reference? No
- Date Filed in Agency's Principal Office: June 1, 1996
- Notice of Proposal Published in Illinois Register: March 31, 1996 (20 Ill. Reg. 3791)
- Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
 - In Section 121.58(e)(6), "Non-liquid" was changed to the lower case and the final "or" was stricken.
 - In Section 121.58(e)(7), "Monies" was changed to the lower case and the final period was stricken and replaced by ", or".
 - In Section 121.58(e)(8), "Assets" was changed to the lower case and "of" was added after "disposed" and "disposing".
 No other changes have been made in the text of the proposed amendments.
- Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- Will these Amendments replace Emergency Amendments currently in effect? No
- Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 121.151 Amendment April 12, 1996 (20 Ill. Reg. 5440)
 121.182 Amendment April 26, 1996 (20 Ill. Reg. 5986)

15) Summary and Purpose of Amendments: This rulemaking amends the Food Stamp Program rules to implement provisions contained in the Mickey Leland Memorial Domestic Hunger Relief Act of 1990 and the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 that expand the criteria by which a resource can be considered inaccessible. In accordance, these amendments provide an additional exclusion for resources which are unlikely to produce a significant return or significant funds for the support of the household.

As a result of these amendments, an asset is inaccessible if the sale or other disposition of the asset would net the Food Stamp household less than \$1,000 (or less than \$1,500 if there is a person age 60 or older in the Food Stamp household). The net is determined by subtracting the expenses of disposing of the property from the property's equity value. This exclusion does not apply to vehicles, negotiable financial instruments or stocks and bonds.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, IL 62762
 (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
 FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section
 121.1 Application for Assistance
 121.2 Time Limitations on the Disposition of an Application
 121.3 Approval of an Application and Initial Authorization of Assistance
 121.4 Denial of an Application
 121.5 Client Cooperation
 121.6 Emergency Assistance
 121.7 Expedited Services
 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
 121.19 Ending a Voluntary Quit Disqualification
 121.20 Citizenship
 121.21 Residence
 121.22 Social Security Numbers
 121.23 Work Registration/Participation Requirements (Repealed)
 121.24 Individuals Exempt From Work Registration Requirements (Repealed)
 121.25 Failure to Comply (Repealed)
 121.26 Period of Disqualification (Repealed)
 121.27 Voluntary Job Quit
 121.28 Good Cause for Voluntary Job Quit
 121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
 121.30 Unearned Income
 121.31 Exempt Unearned Income
 121.32 Education Benefits
 121.33 Unearned Income In-Kind
 121.34 Lump Sum Payments and Income Tax Refunds
 121.40 Earned Income
 121.41 Budgeting Earned Income
 121.50 Exempt Earned Income
 121.51 Income from Work/Study/Training Programs
 121.52 Earned Income from Roomer and Boarder

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.53
121.54
121.55
121.56
121.57
121.58
121.59

Income From Rental Property
Earned Income In-Kind
Sponsors of Aliens
Assets
Exempt Assets
Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60
121.61
121.62
121.63
121.64

Net Monthly Income Eligibility Standards
Gross Monthly Income Eligibility Standards
Income Which Must Be Annualized
Deductions From Monthly Income
Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70
121.71
121.72
121.73
121.74
121.75
121.76

Composition of the Assistance Unit
Living Arrangement
Nonhousehold Members
Ineligible Household Members
Strikers
Students
Households Receiving AFDC, SSI, Interim Assistance and/or GA -
Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80
121.81
121.82
121.83
121.84
121.85
121.90
121.91
121.92
121.93
121.94
121.95
121.96
121.97
121.98
121.120
121.130

Fraud Disqualification (Renumbered)
Initiation of Administrative Fraud Hearing (Repealed)
Definition of Fraud (Renumbered)
Notification To Applicant Households (Renumbered)
Disqualification Upon Finding of Fraud (Renumbered)
Court Imposed Disqualification (Renumbered)
Monthly Reporting and Retrospective Budgeting
Monthly Reporting
Retrospective Budgeting
Direct Mail Issuance of Food Stamp Coupons
Replacement of Food Stamp Coupons
Restoration of Lost Benefits
Uses For Food Coupons
Supplemental Payments
Food Stamp Simplified Application Demonstration Project (Repealed)
Recertification of Eligibility
Residents of Shelters for Battered Women and their Children

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

121.135
121.140

Incorporation By Reference
Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150
121.151
121.152
121.153
121.154

Definition of Intentional Violations of the Program
Penalties for Intentional Violations of the Program
Notification To Applicant Households
Disqualification Upon Finding of Intentional Violation of the Program
Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160
121.162
121.164
121.166
121.170
121.172
121.174
121.176
121.178
121.180
121.182
121.184
121.186
121.188
121.190
121.200
121.201

Persons Required to Participate
Participation and Cooperation Requirements
Orientation
Assessment and Employability Plan
Job Search Component
Basic Education Component
Job Readiness Component
Work Experience Component
Job Training Component
Grant Diversion Component
Earnfare Component
Sanctions
Good Cause for Failure to Cooperate
Supportive Services
Conciliation and Fair Hearings
Types of Claims (Recodified)
Establishing a Claim for Intentional Violation of the Program (Recodified)

121.202
121.203
121.204
121.205
121.206
121.207
121.208

Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
Collecting Claim Against Households (Recodified)
Failure to Respond to Initial Demand Letter (Recodified)
Methods of Repayment of Food Stamp Claims (Recodified)
Determination of Monthly Allotment Reductions (Recodified)
Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 316, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10362, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1853, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective JUN 01 1996.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.58 Exempt Assets

a) Homestead Property

- 1) The home and surrounding property which, exclusive of public rights of way, is not separated from the home by intervening property owned by others.
- 2) Homes which are temporarily unoccupied for reasons of employment, training for future employment, illness, or inhabitability caused by casualty or natural disaster, remain exempt if the household intends to return.
- 3) A lot owned or being purchased by the household if the household intends to build or is building a permanent home and the household does not currently own a home.

b) Personal Property

Household goods, personal effects, one burial plot per household member, and the cash value of life insurance policies and pension plans except Individual Retirement Accounts (IRA's) and Keogh plans which do not involve a household member in a contractual relationship with someone who is not a member of the same food stamp household. If the Keogh plan involves a member of the household and someone who is not a member of the same food stamp household, it is exempt unless the client can withdraw funds from the plan without affecting the other individual or individuals.

c) Income Producing Property

- 1) Property which is annually producing income consistent with its fair market value (including land or buildings being sold by installment contract), even if only used on a seasonal basis.
- 2) Property which is essential to the employment or self-employment of a household member, such as, farmland and work related equipment (tools of a tradesman, farm machinery). In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the value of such property shall be excluded from financial resources until the expiration of the one year period beginning on the date such member ceases to be self-employed in farming.
- 3) A rental home which is used by a household for vacation purposes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

at sometime during the year is an asset, unless excluded by subsection (c)(1) of this Section.

d) Disaster Relief Payments

Disaster relief payments provided by federal, state or local government or a disaster assistance organization.

e) Inaccessible Assets

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price,
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent,
- 6) ~~non-liquid~~ **Non-liquid** asset or assets (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset or assets, ~~or~~ **or** monies ~~monies~~ received from the Social Security Administration under the PASS Program that are held in a separate account, ~~or~~ **assets if when sold or otherwise disposed of would net the household less than \$1000 (or less than \$1500 if there is a person age 60 or older in the household).** The net is determined by subtracting the expenses of disposing of the property from the equity value. This does not apply to vehicles, negotiable financial instruments or stocks and bonds.

f) Prorated Income

Money which has been prorated as income, such as income of self-employed persons or students.

g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
- 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
- 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
- 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 5) used as the household's home;
- 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specially equipped or used primarily for the transportation of the disabled individual;
- *Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.
- 7) The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use;
- 8) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption; and
- 9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (i)(1), (i)(2) or (i)(3) of this Section.
- j) Assets of an AFDC or SSI household member
All assets of a household member who receives AFDC or SSI benefits.

(Source: Amended at 20 Ill. Reg. effective
JUN 01 1996 7902)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
148.82 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: May 31, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 31, 1996
- 9) Notice of Proposal Published in Illinois Register: March 1, 1996 (20 Ill. Reg. 3801)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Several changes are being made in the Department's procedures concerning organ transplant services. These amendments allow for Department coverage of bone marrow searches for those individuals who have been selected as candidates for allogeneic bone marrow transplantation. Reimbursement will be limited to 60 percent of charges up to a maximum of \$25,000. These criteria were approved by the State Medical Advisory Committee (SMAC) members in July 1995.
- Changes are also being made concerning requirements for hospital notification to the Department prior to performance of a transplant procedure. The requirement for hospitals to include the initial work-up summary of medical findings is being eliminated. In March 1992, the Department eliminated the case by case prior approval of transplants (which necessitated the need for the summary of medical findings) and implemented the certified center policy which allows certified transplant

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

centers to select candidates for transplantation services. Transplant centers are certified on an annual basis and are required to perform a specific number of procedures and meet specific survival rates. Since transplant procedures no longer require prior approval and certified transplant centers choose candidates for transplant procedures, the work-up summary of medical findings is not necessary. Elimination of this requirement will amend the transplant provisions to accurately reflect the current process.

Other changes include the elimination of references to "a tertiary care hospital" and the striking of a redundant statement in subsection (g)(3) regarding Medicaid High Volume Adjustments. The language concerning tertiary care is not necessary since the Department's rules reflect that a certified transplant center must be capable of providing all necessary medical care required by the transplant patient and be affiliated with an academic health center.

For fiscal year 1996, the Department anticipates that 27 allogeneic bone marrow transplants will be performed and the cost of the associated bone marrow searches is expected to be approximately \$675,000. Therefore, the amendments to cover bone marrow searches are not expected to result in significant budgetary changes.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 148.295 Critical Hospital Adjustment Payment (CHAP)
 148.300 Payment
 148.310 Review Procedure
 148.320 Alternatives
 148.330 Exemptions
 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions
 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective

MAY 31 1996

Section 148.82 Organ Transplant Services

a) Introduction

The Department of Public Aid will cover organ transplants as identified under subsection (b) below which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.

b) Covered Services

1) Bone marrow, heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation excluding bone-marrow searches.

2) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in subsection (c) below and provide the necessary documentation of the number of transplant procedures performed and the survival rates.

3) Medically necessary work-up and evaluation up to three (3) days prior to transplantation.

c) Certification Process

1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:

A) Request an application from the Bureau of Hospital Services;
 B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;

C) Meet certification criteria established in subsection (d) below, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and

D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed for the two years preceding the date of the application. To protect

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

the privacy of patients included in this report, names of Medicaid and non-Medicaid patients are not required.

- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.
- 3) In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) above within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.

d) Certification Criteria

- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is ~~a--tertiary--care--hospital~~ capable of providing all necessary medical care required by the transplant patient;
 - B) The hospital is affiliated with an academic health center;
 - C) The hospital has had the transplant program for heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases before that for adult heart and liver transplants;
 - D) The hospital has had the transplant program for heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases before that for adult heart/lung and lung transplants;
 - E) A hospital specializing in pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures before that;
 - F) The hospital has had the transplant program for adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
 - G) A hospital specializing in pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures before that;
 - H) The hospital has had the transplant program in operation for at least three years with 25 transplant procedures per year for the past two years and 25 cases before that for kidney transplants, and five transplant procedures per year for the past two years and five before that for pancreas transplants, or 12 transplant procedures per year for the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

past two years and 12 before that for kidney/pancreas transplants;

- I) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
- J) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart transplant candidates;
- K) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation;
- L) The hospital complies with applicable State and federal laws and regulations;
- M) The hospital participates in a recognized national donor procurement program, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
- N) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation;
- O) The hospital has blood bank support necessary to meet the demands of a certified transplant center; and
- P) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
 - i) A one-year survival rate of 50 percent for bone marrow transplant patients;
 - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
 - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
 - iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant patients;
 - v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patients.
- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients.

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

The hospital must demonstrate that:

- A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;
- B) The hospital safeguards the rights and privacy of patients;
- C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
- 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.

e) Recertification Process/Criteria

- 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
- 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
- 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.

f) Notification of Transplant

- 1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.
- 2) The notification must include the admission diagnosis and pre-transplant diagnosis ~~and--the--initial--work-up--summary--of--medical--findings.~~
- 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate "patient tracking" forms to the hospital.

g) Reimbursement

- 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for the

number of days listed below for specific types of transplants:

- A) Three days of pre-operative inpatient work-up; and
 - B) A maximum 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
 - C) 40 consecutive days of inpatient care for liver transplant; or
 - D) 50 consecutive days of inpatient care for bone marrow transplant; or
 - E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim.
- 3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable inpatient payment adjustments shall be made in accordance with Section 148.290. ~~Applicable-Medicaid-High-Volume Adjustments--shall-be-made-in-accordance-with-Section-148-290th.~~
- 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.
- 5) ~~Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.~~

h) Reporting Requirements of Certified Transplant Center

The following documentation must be submitted within the time limits set forth in this subsection.

- 1) Patient Tracking
 - A) The center must submit annually a statistical summary including information for all patients having received transplants at the transplant center. Patients not covered by Medicaid may be identified numerically or by other means identified by the hospital, to protect patient confidentiality. The summary must include, but is not limited to, short and long term outcome on all patients.
 - B) The discharge summary for each Medicaid patient must be received by the Department within 30 days of the patient's discharge.
 - C) The annual outcome summaries for each Medicaid patient must be received by the Department within 30 days of the annual patient post-transplant evaluation.
 - D) For those Medicaid patients who expire, a summary must be received by the Department within 30 days of the patient's death.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 2) Notification of Changes
The center must notify the Department within 30 days of any changes in its program, including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 20 Ill. Reg. 7912, effective
MAY 3 1996)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.24 Amendment
140.400 Amendment
140.435 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 31, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 31, 1996
- 9) Notice of Proposal Published in Illinois Register: February 9, 1996 (20 Ill. Reg. 2346)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
No
- 11) Differences between proposal and final version: In the second sentence of Section 140.24(b), a comma has been added as follows: "After approval is given,".
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--------------------------------------|
| 140.7 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.9 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.539 | Amendment | April 12, 1996 (20 Ill. Reg. 5448) |
| 140.642 | Amendment | March 22, 1996 (20 Ill. Reg. 4531) |
- 15) Summary and Purpose of Amendments:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.24

The Department is making changes to Section 140.24 regarding payment procedures for long term care facilities. Currently, a facility and its corporate or partnership owner may request that payments be sent directly to the business address of the corporate or partnership owner, only if such owner has a minimum of four facilities which are located within Illinois and enrolled with the Department. The requirement concerning ownership of a minimum of four facilities does not have any statutory basis, but has resulted in the denial of some requests for the redirection of a facility's payments. Therefore, this requirement is being eliminated.

Sections 140.400 and 140.435

Amendments to Section 140.400 revise language to reflect the change from the Healthy Moms/Healthy Kids Program to the Maternal and Child Health program. Amendments to Section 140.435 provide for coverage for all nurse midwife services which are legally authorized under the Illinois Nursing Act of 1987 and its implementing regulations. Under the Act, a nurse midwife may provide some medical services that are not directly related to the maternity cycle. Currently, the Department provides reimbursement for nurse midwife services only for the management and care of women through the maternity cycle and the care of newborn infants up to six weeks following delivery.

These proposed amendments are not expected to result in any budgetary changes.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- | | |
|---------|--|
| Section | Incorporation By Reference |
| 140.1 | Medical Assistance Programs |
| 140.2 | Covered Services Under Medical Assistance Programs |
| 140.3 | Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed) |
| 140.4 | Covered Medical Services Under General Assistance |
| 140.5 | Medical Services Not Covered |
| 140.6 | Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight |
| 140.7 | Medical Assistance For Qualified Severely Impaired Individuals |
| 140.8 | Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy |
| 140.9 | Medical Assistance Provided to Incarcerated Persons |
| 140.10 | |

SUBPART B: MEDICAL PROVIDER PARTICIPATION

- | | |
|---------|--|
| Section | Enrollment Conditions for Medical Providers |
| 140.11 | Participation Requirements for Medical Providers |
| 140.12 | Definitions |
| 140.13 | Denial of Application to Participate in the Medical Assistance Program |
| 140.14 | Recovery of Money |
| 140.15 | Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program |
| 140.16 | Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program |
| 140.17 | Effect of Termination on Individuals Associated with Vendor |
| 140.18 | Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring |
| 140.19 | Submittal of Claims |
| 140.20 | Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs) |
| 140.21 | Magnetic Tape Billings |
| 140.22 | Payment of Claims |
| 140.23 | Payment Procedures |
| 140.24 | Overpayment or Underpayment of Claims |
| 140.25 | Payment to Factors Prohibited |

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 Voucher Advance Payment and Expedited Payments
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy
 Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
 140.444 Compounded Prescriptions
 140.445 Legend Prescription Items (Not Compounded)
 140.446 Over-the-Counter Items
 140.447 Reimbursement
 140.448 Returned Pharmacy Items
 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.452 Mental Health Clinic Services
 140.453 Definitions
 140.454 Types of Mental Health Clinic Services
 140.455 Payment for Mental Health Clinic Services
 140.456 Hearings
 140.457 Therapy Services
 140.458 Prior Approval for Therapy Services
 140.459 Payment for Therapy Services
 140.460 Clinic Services
 140.461 Clinic Participation, Data and Certification Requirements
 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
 140.470 Home Health Services
 140.471 Home Health Covered Services
 140.472 Types of Home Health Services
 140.473 Prior Approval for Home Health Services
 140.474 Payment for Home Health Services
 140.475 Medical Equipment, Supplies and Prosthetic Devices
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichex Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.493 Payment for Helicopter Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Long Term Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life (Repealed)
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels
 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
 140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.642	Screening Assessment for Long Term Care and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)
SUBPART F: MEDICAID PARTNERSHIP PROGRAM	
Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.896	
SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM	
Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	Definitions (Recodified)
140.903	Times and Staff Levels (Repealed)
140.904	Statewide Rates (Repealed)
140.905	

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)
SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM	
Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medichex Recommended Screening Procedures (Repealed)
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HGA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].	

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; peremptory amendment at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; maximum of 150 days; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11347, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. ~~7922~~, effective MAY 31 1996.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. Payments for services rendered by medical providers will only be mailed to:
 - 1) The provider's service address; or
 - 2) The provider's (individual practitioner/sole proprietorship) residence; or
 - 3) The provider's designated alternate address; or
 - 4) The address of the provider's designated alternate payee pursuant to subsection (c); or
 - 5) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- b) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. ~~the Department's approval of this type of request will be given only if the owner has a minimum of four facilities which are located within Illinois and which are enrolled with the Department. After approval is given, the warrant will be issued in the name of the facility or corporate name~~

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.

c) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:

- 1) The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.
- 2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.
- 3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 20 Ill. Reg. 7922, effective MAY 31 1996)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

a) This Section applies to physicians, dentists, nurses, optometrists, podiatrists, chiropractors and independent laboratories.

- 1) Practitioners, nurses and independent laboratories are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payors.

2) A practitioner or nurse may bill only for services he or she personally provides or which are provided under his or her direct supervision in his or her office by his or her staff, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] and implementing regulations. A certified pediatric nurse practitioner or certified family nurse practitioner may bill only for the services personally provided by the individual nurse practitioner. A practitioner may not bill for services provided by another practitioner even though he or she may be in the employ of the other.

3) Payment will be made only in the practitioner's or nurse's name or a Department approved alternate payee.

4) Payments will be made according to a schedule of statewide pricing screens established by the Department of Public Aid. (Exception: A certified pediatric nurse practitioner, certified family nurse practitioner and a nurse midwife will be reimbursed for covered services at 70 percent of the established screen, and covered services provided by qualifying providers under the Maternal and Child Health Healthy--Moms/Healthy--Kids Program, which will be reimbursed at enhanced rates (see subsection (b) below).) The pricing screens are to be established based on

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.

b) Providers who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Healthy--Moms/Healthy--Kids Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).

c) The Department will distribute (initially and upon revision of the amounts) to practitioners, nurses and laboratories the maximum allowable amounts for the most commonly billed procedure codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.

(Source: Amended at 20 Ill. Reg. 7922, effective MAY 31 1996)

Section 140.435 Nurse Services

a) Payment for nurse services shall be made only to licensed nurses.

- 1) Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

2) Payment for certified pediatric nurse practitioners and certified

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

family nurse practitioners shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or rule to practice as a nurse practitioner so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65], Medical Practice Act of 1987 [225 ILCS 60] and the implementing regulations. The nurse practitioner shall also have completed a program of study and clinical experience for certified pediatric nurse practitioner or certified family nurse practitioner which is accredited and approved by the appropriate Accreditation Board. Certified pediatric nurse practitioners must be certified by the American Nurses Association or by the National Board of Pediatric Nurse Practitioners and Associates. A certified family nurse practitioner must be certified by the American Nurses Association. A certified pediatric or family nurse practitioner must have and maintain a current agreement with the physician licensed to practice medicine in all its branches who has hospital admitting privileges including delivery privileges where applicable.

3) The agreement required under Section 140.435(a)(1) and (2) shall be in the following form. This agreement must explain the oversight of the nurse by a physician authorized to practice medicine in all its branches and authorize the specific procedures or categories of procedures which may be performed. The services to be provided must be services which the physician generally provides his or her patients in the normal course of their medical practice. The agreement must specify which authorized procedures do not require a physician's presence as the procedures are being performed. The nurses shall identify themselves as a nurse practitioner to the patient. The issuance of a prescription or a medical diagnosis does not constitute an authorized procedure for reimbursement. The agreement must specify the parameters and detail all authorized procedures that may be carried out. A copy of this signed agreement must be on file with the Department and must be updated annually.

b) Payment shall be made for nurse services specified below.

- 1) In-Home Nursing Services
- 2) Private duty nursing services

c) Payment shall be made for nurse-midwife services for the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six weeks following delivery so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] and its implementing regulations.

d) Payment shall be made for nurse midwife, certified pediatric and family nurse practitioner services in compliance with the physician agreement required under this Section so long as such services do not conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] or the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Medical Practice Act of 1987 [225 ILCS 60] and their implementing regulations.

(Source: Amended at 20 Ill. Reg. 7922, effective MAY 31 1996)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Charitable Funds
- 2) Code Citation: 11 Ill. Adm. Code 208
- 3) Section Number: Adopted Action:
208.10 Amendment
208.20 Amendment
208.40 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: June 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: May 29, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 2366 - 2/9/96
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No

- 15) Summary and purpose of rules: This rulemaking corrects typographical errors and/or clarifies language.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-5070

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 208
CHARITABLE FUNDS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section
208.10 Application
208.20 General Program Requirements
208.30 Funding Priorities
208.40 Award of Charitable Funds

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section
208.100 Use Of Funds
208.110 Accounting Requirements
208.120 Audits

AUTHORITY: Implementing and authorized by Sections 9(b) and 31.1 of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b) and 31.1).

SOURCE: Adopted at 13 Ill. Reg. 1232, effective January 13, 1989; amended at 18 Ill. Reg. 7410, effective April 29, 1994; amended at 20 Ill. Reg. 1894, effective JUN 01 1996.

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section 208.10 Application

Pursuant to Section 31.1 of the Illinois Horse Racing Act of 1975 (230 ILCS 5/31.1), the Illinois Racing Board (Board) shall annually distribute funds collected from organization licensees pursuant to the Act.

- a) Applicants for such funds shall submit a completed application, on a form provided by the Board, no later than October 1 of each year. Incomplete applications shall be returned to the applicant, with a written explanation as to why how the materials are incomplete and a date by which the additional materials are to be submitted. Incomplete applications shall not be considered.
- b) Any non-profit organization that provides medical and family counseling and similar services to persons who reside or work on the backstretch of Illinois racetracks may apply for funds pursuant to Section 31.1 of the Act (230 ILCS 5/31.1). Each applicant must be able to document its not-for-profit status with a 501(c)(3) (26 U.S.C.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

501(c)(3)) Internal Revenue Service ruling or a letter from the Illinois Attorney General's Charitable Trust Division containing the applicant's current registration number and confirming that the applicant is current in the filing of its financial reports.

(Source: Amended at 20 Ill. Reg. 7941, effective JUN 01 1996)

Section 208.20 General Program Requirements

- a) Recipients of funding shall not deny charitable services ~~on the basis of race, sex, age, religion, national origin or handicap~~. Recipients of funding shall not discriminate in the hiring or promotion of staff on the basis of race, sex, age, religion, national origin or handicap.
- b) Client intake policies and procedures shall be set forth in writing and shall be available for review by the Board.
- c) Personnel policies and volunteer training procedures shall be set forth in writing and be available for review by the Board.
- d) Recipients of funding shall have rules to govern conflict of interest situations and shall incorporate such rules in their constitution or by-laws and publish such rules as agency policy. Such rules shall be available to the Board for review.

(Source: Amended at 20 Ill. Reg. 7941, effective JUN 01 1996)

Section 208.40 Award of Charitable Funds

No later than December 31 of each year, the Board shall inform all applicants of the decision made relative to their applications ~~application~~ and shall distribute all those funds awarded. All awards are subject to the availability of funds as specified in Section 31.1(a) of the Act.

(Source: Amended at 20 Ill. Reg. 7941, effective JUN 01 1996)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures for License Hearings
- 2) Code Citation: 11 Ill. Adm. Code 205
- 3) Section Number: 205.30
Adopted Action:
Amendment
205.70
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: June 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: May 29, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 2370 - 2/9/96
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking corrects dates for filing applications for racing dates and removes language inconsistent with the Horse Racing Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-5070

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 205

PROCEDURES FOR LICENSE HEARINGS

Section	Purpose
205.10	Purpose
205.20	Notice
205.30	Filing of Applications
205.40	Use of Applications
205.50	Filing of Evidence Supporting Applications
205.60	Parties
205.70	Service of Application and Evidence Supporting Application
205.80	Pre-Hearing Conference
205.90	Filing of Responsive Evidence & Motions
205.100	Licensing Hearing
205.110	Disqualification of Hearing Officer
205.120	Ex Parte Communications
205.130	Incorporation of Part 204
205.140	Notice to and Acceptance by Applicants
205.150	Emergency Hearing to Re-award Dates

AUTHORITY: Authorized and implemented pursuant to the Illinois Horse Racing Act of 1975 (230 ILCS 5).

SOURCE: Emergency adoption at 16 Ill. Reg. 16318, effective October 6, 1993, for a maximum of 150 days; emergency expired March 5, 1993; emergency rule adopted at 17 Ill. Reg. 6859, effective April 16, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 13615, effective July 30, 1993; emergency amendment at 19 Ill. Reg. 8011, effective June 5, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13953, effective October 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 205.30 Filing of Applications

Applications for an organization license to conduct a horse racing meeting in Illinois pursuant to the Racing Act shall be filed at the office of the Board no later than 5:00 p.m. on August 1 ~~31~~ (or if August 1 ~~31~~ is not a business day, the next business day thereafter) of the year prior to the year in which the meet is sought. ~~Applications filed after this date shall be considered only under the provisions of Section 204 of the Racing Act.~~ Each applicant shall file fifteen (15) copies of the application with the Board.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 205.70 Service of Application and Evidence Supporting Application

Each applicant shall serve a complete copy of its application and all supporting written testimony and exhibits on all persons who had applied for an organizational license the previous year by 5:00 p.m. on August 1 ~~31~~ (or, if August 1 ~~31~~ is not a business day, on the next business day) and on any other party who has filed an application in the current year. The Board shall notify all parties of the name and address of any other party filing an application for an organization license and all applicants shall serve a copy of the application and all supporting written testimony and exhibits on all such additional parties by messenger or overnight delivery.

(Source: Amended at 20 Ill. Reg. 7944, effective MAY 29, 1996.)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Special Purse and Reward Fund

2) Code Citation: 11 Ill. Adm. Code 410

<u>Section Number:</u>	<u>Adopted Action:</u>
410.10	Repealed
410.20	Repealed
410.30	Repealed
410.40	Repealed
410.50	Repealed
410.60	Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: June 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No

8) Date filed in Agency's Principal Office: May 29, 1996

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 1485 - 1/26/96

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals the provisions for the Special Purse and Reward Fund which was abolished by Public Act 89-0016.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

Chicago, IL 60601
(312) 814-5070

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 02 Ill. Adm. Code 1201
- 3) Section Numbers:

1201.110	Adopted Action:
1201.210	Amendment
1201.410	Amendment
1201.Appendix A	Amendment
1201.Appendix B	Amendment
- 4) Statutory Authority: 5 ILCS 140
- 5) Effective Date of Amendment(s): July 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 3, 1996
- 9) Notice of Proposal Published in Illinois Register: N/A
- 10) Has JCAR issued a Statement of Objections to these Amendments?
No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): Amends the Freedom of Information Act regulations to update references and to revise reproduction charges to reflect current costs.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton
Senior Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794
Phone: (217) 782-7055

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE D: CODE DEPARTMENTS
 CHAPTER XXI: DEPARTMENT OF REVENUE

PART 1201

FREEDOM OF INFORMATION

SUBPART A: SUMMARY AND PURPOSE

Section
 1201.110
 1201.120

Summary and Purpose
 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
 1201.210
 1201.220

Person To Whom Requests Are Submitted
 Form and Content of Requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section
 1201.310
 1201.320

Timeline for Department Response
 Types of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
 1201.410
 1201.420

Appeal of a Denial
 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
 1201.510
 1201.520
 1201.530

Inspection of Records at Department Offices
 Copies of Public Records
 General Materials Available from the Freedom of Information Officer

APPENDIX A
APPENDIX B

Request for Public Records
 Fee Schedule for Duplication of Public Records

AUTHORITY: Implementing and authorized by The Freedom of Information Act [5 ILCS 140/1] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted ~~7949~~ Ill. Reg. 14290, effective July 25, 1984; amended at Ill. Reg. ~~7949~~, effective July 1, 1996.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: SUMMARY AND PURPOSE

Section 1201.110 Summary and Purpose

- a) These rules are established to implement the provisions of the Freedom of Information Act [ILCS 140/1] ~~(P-A-03-10137-effective-July-17-1984 Supp---to-111---Rev---Stat---1983---ch---116-par-201-et-seq-7)~~. The purpose of these rules is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] ~~(111-Rev-Stat-19917-ch-137-par-1005-157)~~.

(Source: Amended at 20 Ill. Reg. ~~7949~~, effective ~~JUL 0 1 1996~~)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1201.210 Person To Whom Requests Are Submitted

Requests for public records shall be submitted to the Freedom of Information Officer of this Department. Requests shall be submitted to the following address:

~~Gretchen Parkhurst~~
 Freedom of Information Officer
 Illinois Department of Revenue
 101 W. Jefferson
 P.O. Box 19014 3681
 Springfield, Illinois 62794-9014 62780
 ATTENTION: FOIA Request

(Source: Amended at 20 Ill. Reg. ~~7949~~, effective ~~JUL 0 1 1996~~)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1201.410 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Director of the Department. The notice of appeal shall be made in writing and sent to:

~~Dr. Thomas Johnson~~

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Director of the Department of Revenue
101 W. Jefferson
P.O. Box 19014 368t
Springfield, Illinois 62794-9014 62788

ATTENTION: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 20 Ill. Reg. 7949, effective

JUL 0 1 1996)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 1201 APPENDIX A Request for Public Records

~~Sketchen-Parkhurst~~

TO: Freedom of Information Officer

PER-OPF:EBR

Illinois Department of Revenue

DEPARTMENT/AGENCY

101 W. Jefferson

ADDRESS

P.O. Box 19014 368t

Springfield, IL 62794-901462788

FROM

NAME

ADDRESS

PHONE NUMBER

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

___ Inspection

___ Copy

___ Both

Do you wish to have copies certified? _____

FOR OFFICE USE ONLY:

Date Received

Date Response Due

Date Response Sent

Date Completed

(Source: Amended at 20 Ill. Reg. 7949, effective
JUL 0 1 1996)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section 1201. APPENDIX B Fee Schedule for Duplication of Public Records

Type of Duplication	Per Copy Charge
Paper Copy from Paper Original	\$ 1.00-59/(first page) (includes postage) .50 -25/page (additional pages) (no postage)
Computer Printout-Paper	\$2.110.00 \$334-79/CPU hour + .18 per image -65-1000-lines
Computer Printout-Film	\$2.110.00\$334-79/CPU hour + 7.004-59/Tape hour + 10.0012-00/Reel
Certification Fee	\$ 5.003-00/Record

NOTE: Anything over 1 lb. will be shipped UPS.

(Source: Amended at 20 Ill. Reg. 7949, effective
JUL 0 1 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Numbers Adopted Action
1070.110 New Section
- 4) Statutory Authority: Chapter 7 of the Illinois Vehicle Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch.7].
- 5) Effective Date of Amendments: May 30, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 30, 1996
- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 2378 (February 9, 1996).
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version: Pursuant to suggestions from the Joint Committee on Administrative Rules, all stylistic and typographical changes were duly incorporated.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? N/A
- 13) Will this rule replace any Emergency Rule(s) currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This proposed rulemaking is a new section to be added pursuant to P.A. 89-92, which will become effective July 1, 1996. This new legislation created the Illinois Safety and Family Responsibility Law, which provides that upon conviction of a traffic related offense, a driver's license will be suspended if the driver is not in compliance with a court order for payment of child support. This proposed rulemaking outlines the procedures for reinstatement of a driver's license, as well as the procedures to obtain a Family Financial Responsibility Permit to relieve undue hardship, if his/her driver's license is valid at the time of the offense.
- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

Name: Mark A. Novak
 Assistant Counsel to the Secretary
 Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
 Telephone: (217) 782-5356

The full text of the Adopted Rule begins on the next page.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER II: SECRETARY OF STATE
 PART 1070
 ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installation Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. **2956**, effective **MAY 8 1996**.

Section 1070.110 Illinois Safety and Family Financial Responsibility Law

a) For purposes of this Section, the following definitions shall apply:

"Cancellation" - the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Family Financial Responsibility Driving Permit" (FFRP) - a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

document issued to persons who have had their full driving privileges suspended which grants and specifies limited driving privileges as specified in Section 7-702.1 of the Illinois Vehicle Code [625 ILCS 5/7-702.1].

"Invalidation" - to render a license or permit no longer valid for the purpose it was issued as specified in Section 6-301.3 of the Illinois Vehicle Code [625 ILCS 5/6-301.3].

"Law Enforcement" - a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" - a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1(d)] and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

"Received by the Department of Administrative Hearings" - written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings located at Michael J. Howlett Building, 2nd Floor, Springfield, IL 62756.

"Stay Order" - the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

b) The Department shall not enter an order of suspension for purposes of Section 7-702 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702] unless the authenticated report provided for in Section 7-703 of the Illinois Safety and Family Financial Responsibility Law is complete. It must be on a form prepared or approved by the Secretary of State and include obligor's name and address, case number, driver's license number, date of birth, sex, the date the order was entered, court clerk or judge's signature or the signature of his/her designee, court seal or file stamp, court, court address, date certified, obligee's full name and attorney initiating action where applicable.

c) The Department shall not enter a Family Financial Responsibility Driving Permit for purposes of Section 7-702.1 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702.1] unless the following conditions are met:

- 1) The Department receives a certified court order on a form prepared and approved by the Secretary of State from the court of jurisdiction.
- 2) The order shall include: name and address of individual receiving permit, court case number, driver's license number, date of birth

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

and sex, employer and address if applicable, medical treatment if applicable, hours petitioner permitted to operate vehicle, route to be traveled, issue date, judge's signature or the signature of his/her designee, court seal and county.

d) Upon receipt of one or more of the following documents from a circuit clerk's office, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a FRFP:

- 1) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance [625 ILCS 5/11-501], driving outside of restrictions of permit in violation of Section 6-113(e) of the Illinois Vehicle Code [625 ILCS 5/6-113(e)], leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401], or drag racing violation of Section 11-504 of the Illinois Vehicle Code [625 ILCS 5/11-504]. The law enforcement officer issuing a citation for any of the above listed offenses shall confiscate the FRFP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. Whenever a FRFP is forwarded to a court, as a result of confiscation by a law enforcement officer, it shall be the duty of the clerk to forward such FRFP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible.

- 2) a report of any disposition of court supervision or convictions for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance [625 ILCS 5/11-501], leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401], or drag racing in violation of Section 11-504 of the Illinois Vehicle Code [625 ILCS 5/11-504]; or

3) Law Enforcement Officer's Sworn Report.

e) A Family Financial Responsibility Driving Permit issued pursuant to Section 7-702.1 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/702.1] shall be valid until it is invalidated, suspended, revoked or canceled, or as specified by the Court.

f) The Department shall invalidate a FRFP, upon receipt of a court order indicating the permittee is no longer entitled to such permit, in the same manner as a driver's license may be invalidated.

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- g) The Department, upon receipt of authenticated documentation that the obligor is in compliance with the court order of support or that the order of suspension has been stayed, shall terminate the FRFP.
- h) In order to reinstate the privileges under the Illinois Safety and Family Financial Responsibility Law, the Department must receive authenticated documentation on a form prepared or approved by the Secretary of State which must include case number, driver's license number, name, address and county, date of birth, sex, notice of compliance or stay, signature of circuit clerk, issuing judge, circuit court, court seal, street and city.
- i) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that may be defective by not containing sufficient information or completed in error shall not be entered into the record and shall be returned to the court of jurisdiction indicating why the order of suspension cannot be entered unless the necessary information is submitted.
- j) Any submitted court order that contains insufficient data or fails to comply with any provisions of this Part or Article Responsibility of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7, Art. VII] shall be returned to the court of jurisdiction indicating why the Family Financial Responsibility Driving Permit cannot be issued at that time.
- k) The Secretary of State, upon receipt of a written request for administrative hearing that is received by the Department of Administrative Hearings prior to the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with Section 7-706 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-706].
- l) The Secretary of State, upon receipt of an Order to Stay as listed on the Notice of Compliance prior to or after the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with Section 7-704 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-704].
- m) An obligor whose driving privileges have been suspended pursuant to Section 7-702 of the Illinois Safety and Family Financial Responsibility Law and possesses a Family Financial Responsibility Driving Permit shall be required to renew his/her driving privileges in the same manner as set forth in Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115]. Non-renewal of a driver's license pursuant to Section 6-115 will result in invalidation of the Family Financial Responsibility Driving Permit.
- n) The fee collected by the Department for reinstatement of a driver's license following a suspension shall be as prescribed by Section 6-118 of the Illinois Vehicle Code and Section 7-707 of the Illinois Safety and Family Financial Responsibility Law and shall be charged for each suspension entered pursuant to Section 7-704 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/6-118, 7-707 and 7-704].

(Source: Added at 20 Ill. Reg. **7956**, effective
MAY 3 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Regulations Under the Business Opportunity Sales Law of 1995

2) Code Citation: 14 Illinois Administrative Code 135

3) Section Numbers: Adopted Action:

135.50	New
135.100	New
135.300	New
135.301	New
135.302	New
135.303	New
135.350	New
135.351	New
135.352	New
135.353	New
135.356	New
135.500	New
135.501	New
135.700	New
135.800	New
135.801	New
135.950	New
135.1300	New
135.1400	New
135.1401	New
135.2100	New
135.2101	New
135.2110	New
135.2120	New
135.2130	New
135.2140	New
135.2141	New
135.2143	New
135.2144	New
135.2190	New

4) Statutory Authority: 815 ILCS 602

5) Effective Date of Rules: May 30, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 30, 1996

9) Notice of Proposal Published in Illinois Register: March 15, 1996, 20

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Ill. Reg. 4239

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes were grammar and punctuation only. No substantial changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? The emergency rules are due to expire the same date that these rules become effective. The Rules that will be replaced are: 135.50, 135.100, 135.300, 135.350, 135.351, 135.352, 135.353, 135.500, 135.501, 135.700, 135.800, 135.801, 135.950, 135.1300, 135.1400, 135.1401, 135.2100, 135.2101, 135.2110, 135.2120, 135.2130, 135.2140, 135.2141, 135.2143, 135.2144, 135.2145, 135.2190

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

Section 135.50 - Added to define terms in the Act and Rules.

Section 135.100 - Added to define exemption by Order.

Section 135.300 - Added to lay out procedures for registration.

Section 135.301 - Added to lay out procedures for withdrawing pending application or terminating registration.

Section 135.302 - Added to lay out procedures for abandoning incomplete applications.

Section 135.303 - Added to lay out procedures for renewal.

Section 135.350 - Added to define acceptable disclosure statement.

Section 135.351 - Added to define additional disclosure from sellers - guarantors.

Section 135.352 - Added to define required amendments to disclosure filing.

Section 135.353 - Added to define material change to disclosure document.

Section 135.356 - Added to define additional fees.

SECRETARY OF STATE
NOTICE OF ADOPTED RULES

- Section 135.500 - Added to define minimum net worth requirement of seller.
- Section 135.501 - Added to define bond requirements.
- Section 135.700 - Added to define procedures for Hearings.
- Section 135.800 - Added to define procedure for Service of Process.
- Section 135.801 - Added to define scope of the law.
- Section 135.950 - Added to define fraudulent practices.
- Section 135.1300 - Added to define procedure for request for non-binding statements.
- Section 135.1400 - Added to define inspection of Business Opportunity records.
- Section 135.1401 - Added to define non-public distribution of information.
- Section 135.2100 - Added to define business hours of the Securities Department.
- Section 135.2101 - Added to define computation of time.
- Section 135.2110 - Added to define payment of fees.
- Section 135.2120 - Added to define place of filing.
- Section 135.2130 - Added to define date of filing.
- Section 135.2140 - Added to define requirements as to proper form.
- Section 135.2141 - Added to define additional information.
- Section 135.2143 - Added to define information unknown or not reasonably available.
- Section 135.2144 - Added to define requirements as to paper, printing and language.
- Section 135.2145 - Added to define number of copies -- signatures.
- Section 135.2190 - Added to define provisions for granting variances from Rules.

16) Information and questions regarding these adopted rules shall be directed to:

SECRETARY OF STATE
NOTICE OF ADOPTED RULES

Name: Michael A. Chizmar
Assistant Director for Registration
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
Springfield, IL 62701
Telephone: (217) 785-4930

The full text of the Adopted Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 135

REGULATIONS UNDER THE BUSINESS OPPORTUNITY SALES LAW OF 1995

SUBPART A: DEFINITIONS

Section
135.50 Definitions of Terms as Used in the Act and the Rules

SUBPART B: EXEMPTIONS

Section
135.100 Exemption by Order

SUBPART C: REGISTRATION OF BUSINESS OPPORTUNITIES

Section
135.300 Complete Filing
135.301 Procedures for Withdrawal of Pending Application or Termination of Registration of a Business Opportunity
135.302 Procedure with Respect to Abandoning Incomplete Applications for Registration of a Business Opportunity
135.303 Procedures for Renewal of Registration of a Business Opportunity Under Section 5-30(e) of the Act

135.350 Disclosure Document
135.351 Additional Required Disclosure from Seller-Guarantors
135.352 Required Amendments to Disclosure Filing
135.353 Material Change
135.356 Additional Fees
135.500 Minimum Net Worth or Surety Bond Requirement
135.501 Report of Sale Requirements

SUBPART D: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
135.700 Hearings

SUBPART E: SERVICE OF PROCESS

Section
135.800 Service of Process upon the Secretary of State
135.801 Scope of the Law

SUBPART F: VIOLATIONS

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Fraudulent Practices

Section
135.950

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
135.1300 Request for Non-Binding Statements

SUBPART H: PUBLIC INFORMATION

Section
135.1400 Inspection of Business Opportunity Records
135.1401 Non-Public Distribution of Information

SUBPART I: RULES OF GENERAL APPLICATION

Section
135.2100 Business Hours of the Securities Department
135.2101 Computation of Time
135.2110 Payment of Fees
135.2120 Place of Filing
135.2130 Date of Filing
135.2140 Requirements as to Proper Form
135.2141 Additional Information
135.2143 Information Unknown or Not Reasonably Available
135.2144 Requirements as to Paper, Printing and Language
135.2145 Number of Copies--Signatures
135.2190 Provisions For Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Business Opportunity Sales Law of 1995 [815 ILCS 602].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 584, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 7963, effective May 30, 1996.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: DEFINITIONS

Section 135.50 Definitions of Terms as Used in the Act and the Rules

a) As used in this Part, unless the context otherwise requires, the term:

"Act" means the Business Opportunity Sales Law of 1995 [815 ILCS 602] and this Part.

"Advertising" means any circular, prospectus, advertisement, or

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

other material or any communication by radio, television, pictures or the transmittal or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means used in connection with an offer or sale of any business opportunity.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Consideration" as set forth in Section 5-35(a) of the Act includes, without limitation, fully refundable deposits and postdated checks.

"Date of filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Initial payment" as set forth in Section 5-10(b) of the Act:

shall include any form of a payment which evidences a financial obligation on the part of the purchaser, including, without limitation, a lump sum payment or a note evidencing installment debt;

shall be the payment, in whatever form, that is made at the

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

time of purchase, inclusive of payment for, without limitation, services, supplies, sales material, samples and inventory (inclusive of shipping and handling costs); and

does not include any cash payment by any purchaser exceeding \$500 if the payment is made for the not-for-profit sale of demonstration equipment, material or samples, or the payment is made for product inventory sold to the purchaser at a bona fide wholesale price.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer; comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Principal" means any officer, director, partner, member, trustee or manager who is responsible for the supervision and management of the daily business operations in this State of a business opportunity required to be registered under the Act.

"Purchaser" means a person who enters into a contract or agreement for the acquisition of a business opportunity or a person to whom an offer to sell a business opportunity is directed.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Secretary of State" means the Securities Department of the Office of the Secretary of State or the Securities Director or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

SUBPART B: EXEMPTIONS

Section 135.100 Exemption by Order

a) Pursuant to Section 5-10(h) of the Act, the Secretary of State may by Order exempt the sale of business opportunities from the requirements of the Act. The Secretary of State will consider whether to issue such an Order upon receipt of the following submissions:

- 1) a cover letter describing the basis for the exemption by referencing to this Section and to Section 5-10(h) of the Act;
- 2) a description and business history of the applicant, the amount and form of payment and any additional fees, costs or charges relating to the business opportunity for which an exemption is being sought;
- 3) a description of the applicant's litigation history as stated in Section 5-35(b)(6)(A) and (7) of the Act;
- 4) a description of any bankruptcy petition filed by or against the applicant, its officers, directors or predecessors within the last ten years;
- 5) a copy of the contract or agreement of sale relating to the business opportunity which is sought to be subject to the order of exemption;
- 6) copies of any promotional materials relating to the business opportunity for which an exemption is being sought;
- 7) a list of all sales and advertisements in Illinois for the past five years;
- 8) a list of administrative agencies which have issued or denied exemptions, along with copies of the exemptions and any opinions relating thereto;
- 9) a statement of the number of units sold, in the prior twelve month period, as business opportunities by the applicant in the United States and in Illinois;
- 10) a statement of the number of business opportunities the applicant intends to offer for sale in Illinois in the following 12 month period;
- 11) a copy of any prospectus or other offering circular used by the applicant in the offer or sale of the subject business opportunity; and
- 12) a certification of facts.

b) Exemption requests will be granted only when in the public interest. An exemption will be considered in the public interest under the following circumstances:

- 1) the applicant intends to sell no more than two business opportunities in Illinois in the ensuing twelve months;
- 2) the litigation and bankruptcy history described in subsections (a)(3) and (4) of this Section is not materially adverse to the interest of the prospective business opportunity purchasers; and
- 3) the applicant agrees to provide the business opportunity

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

SUBPART C: REGISTRATION OF BUSINESS OPPORTUNITIES

Section 135.300 Complete Filing

A complete filing within the meaning of Section 5-30(d)(2) of the Act is a filing which includes:

- a) a completed and current application on IL BSOP Form 5-25 and payment to the Securities Department of all appropriate fees as specified in Section 135.2110 of this Part. The application shall be accompanied by the following:
 - 1) a disclosure document with a current financial statement, without any material deficiencies or material omissions in disclosure. The applicant may utilize IL BSOP Form 5-35(b) and IL BSOP Form 5-35;
 - 2) a consent to service of process for the applicant on Illinois Form BO05, unless the applicant is a corporation organized or authorized to transact business under the laws of this State; and
 - 3) a surety bond in the amount of \$25,000, if required. The applicant may utilize IL BSOP Form 5-50.
- b) Upon the grant of registration of a business opportunity, the Securities Department shall issue to the business opportunity proof of registration as evidence of such registration.
- c) The application and documents on file with the Securities Department with respect to the business opportunity shall be amended whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- d) An applicant may request that certain information in its application be kept confidential. The Securities Department shall honor such request if the information is personal in nature or if public access to the information is not reasonably necessary to further the purposes of the Act.

Section 135.301 Procedures for Withdrawal of Pending Application or Termination of Registration of a Business Opportunity

If the seller of a business opportunity elects to withdraw its pending application prior to registration in this State, or if the seller of a registered business opportunity wishes to terminate its registration in this State, it shall provide written notice to the Securities Department indicating such intent. Any fees paid shall not be returnable in any event.

Section 135.302 Procedure with Respect to Abandoning Incomplete Applications for Registration of a Business Opportunity

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- a) When an incomplete application for registration of a business opportunity has been on file with the Secretary of State for a period of six months, the Secretary of State may, in his or her discretion, proceed in the following manner to determine whether the application for registration has been abandoned by the applicant.
- b) A notice will be sent to the applicant named in the application for registration, by certified mail, return receipt requested, addressed to the most recent address reflected in the application for registration. The notice will inform the applicant that the application for registration is incomplete and one of the following must be done within 30 days after the date of the Notice:
- 1) the deficiencies must be corrected and filed; or
 - 2) written intent to complete, within a specified period, must be filed to comply with the applicable requirements of the Act; or
 - 3) a request must be filed for withdrawal of the pending application.
- c) Should the applicant fail to respond to such notice by filing the information or document necessary to correct the deficiencies or withdrawing the application for registration, the Secretary of State shall enter an order declaring the application for registration abandoned.
- d) When such an order is entered by the Secretary of State:
- 1) the filing fee paid upon the filing of the application for registration will not be returned; and
 - 2) the records of the Secretary of State will be marked to indicate that the application for registration was abandoned and the date of the order.
- e) The applicant may request an administrative hearing in writing within 15 days after receipt of the Order of Abandonment. A request for hearing shall set forth the grounds upon which the applicant petitions for a hearing.

Section 135.303 Procedures for Renewal of Registration of a Business Opportunity Under Section 5-30(e) of the Act

- a) If the seller of a registered business opportunity wishes to renew its registration, it shall file with the Securities Department a completed and current IL BSOP Form 5-25 together with the renewal application filing fee as specified in Section 135.2110 of this Part.
- b) Any amendment(s) shall also be filed with the Securities Department within ten business days if any material change occurs in the information that was filed with the Securities Department when the business opportunity applied for registration.
- c) Any application for renewal of registration of a business opportunity filed with or fees paid to the Securities Department within 9 business days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 135.2110 of this Part.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- d) Upon receipt of the renewal fees the Securities Department shall issue to the seller of the business opportunity the proof of renewal as evidence of such registration.

Section 135.350 Disclosure Document

The Secretary of State deems the following disclosure formats to be in full compliance with the disclosure requirements of Section 5-35 of the Act. No format other than the following or the format described in Section 5-35(b) of the Act shall be utilized. The different permissible formats may not be intermingled.

- a) The Uniform Franchise Offering Circular (UFOC) in accordance with the Federal Trade Commission Regulation Rule, entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436) as in effect on January 1, 1996 (no subsequent amendments or editions); or
- b) The disclosure requirements of the Federal Trade Commission Regulation Rule, entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436) as in effect on January 1, 1996 (no subsequent amendments or editions).

Section 135.351 Additional Required Disclosure from Seller-Guarantors

In addition to filing the information specified in Section 5-35(b) of the Act, sellers who guarantee the business opportunity shall be required to provide the following information as an addendum to the disclosure document including a description of the nature of the guarantee, including, without limitation, the source of funds and other obligations and contingent and off-balance sheet obligations, which, if matured or liquidated, could impair the ability of the guarantor to perform.

Section 135.352 Required Amendments to Disclosure Filing

In addition to filing the most current disclosure document at the time of application for registration pursuant to Section 5-30 of the Act, or for an exemption by order pursuant to Section 135.100 of this Part, sellers shall be required to amend the filing with the following information:

- a) the most recent annual report of financial condition shall be due no later than the first day of the fourth month following the date of the audited financials; and
- b) material changes or amendments to the information provided in the disclosure document shall be reported to the Secretary of State no later than ten business days after the seller should reasonably have known of the occurrence of such change or amendment.

Section 135.353 Material Change

A change in the information contained in the disclosure document is material

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

within the meaning of Section 135.352(b) and 135.300(c) of this Part if there is a substantial likelihood that a reasonable prospective purchaser would consider it significant in making a decision to purchase or not purchase the business opportunity. Including, without limitation:

- a) any increase or decrease in the initial or continuing fees charged by the seller;
- b) a change of more than 15 percent in the number of requests for refund or rescission or other mode of termination or cancellation of business opportunities sold which were received by the seller in the most recent quarter since the effective date of the current disclosure document;
- c) a change in the seller's management;
- d) a change in the seller's or purchaser's obligations under the contract or agreement of sale or related agreements;
- e) a decrease in the seller's income of more than 25% or net worth of more than 25%; or
- f) additional litigation or a significant change in the status of litigation, including, without limitation:
 - 1) the filing of a complaint, or amendment thereto, alleging or involving violations of any business opportunity or franchise law, fraud, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices, misappropriation of property or breach of contract;
 - 2) the entry of any injunctive or restrictive order relating to any business opportunity; or the entry of any injunction under any federal, state, Canadian or Mexican business opportunity, franchise, securities, anti-trust trade regulation or trade practice law; and
 - 3) the entry of a judgment that has or would have any significant financial impact on the seller. Such a judgment is considered to have a significant financial impact if it equals 15 percent or more of the current assets of the seller and its subsidiaries on a consolidated basis.

Section 135.356 Additional Fees

- a) The additional fee for the failure by a registered business opportunity to file or file timely any other post-registration document required under this Part shall be as set forth in Section 135.2110 of this Part.
- b) The additional fee for the second and subsequent failure by a registered business opportunity to file or file timely any other post-registration document required under this Part shall be as set forth in Section 135.2110 of this Part.
- c) The failure by a registered business opportunity to file the required document with the Securities Department and pay any additional fee or fees set forth in this Section within ten business days after written notice by the Securities Department shall constitute a fraudulent

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

business practice under Section 15- 95(3) of the Act.

Section 135.500 Minimum Net Worth or Surety Bond Requirement

- a) The minimum net worth of the seller shall at all times be at least equal to the seller's liabilities plus the aggregate of any contingent obligations represented by outstanding guarantees to purchasers of business opportunities, but not less than \$25,000.
- b) In lieu of the minimum net worth requirement, the seller may post a surety bond issued by a surety company authorized to do business in this State. The surety bond shall:
 - 1) be in an amount equivalent to the aggregate of the amount of outstanding guarantees on sales made in this State within the meaning of Section 5-80 of the Act;
 - 2) shall remain in effect for the duration of the guarantee(s) or representation(s) giving rise to the surety bond requirement; and
 - 3) shall be in favor of this State for the benefit of purchasers.
- c) Any sale made in this State within the meaning of Section 5-80 of the Act which makes use of representations of guarantee pursuant to Section 5-5.10(a)(4) of the Act when the seller knows or reasonably should know that the guarantee is not covered or is insufficiently covered in the aggregate with other guarantees of the seller, is a per se violation of Section 5-95(3) of the Act.

Section 135.501 Report of Sale Requirements

- a) Report of sale subject to seller's guarantee. Sellers who or which make use of the representation provided in Section 5-5.10(a)(4) of the Act that the purchaser will derive income from the business which exceeds the price paid to the seller, and who or which post a surety bond in lieu of the net worth requirement, shall file reports of all sales in this State within ten business days after consummation of the sale.
- b) Consummation of sale, for the purpose of subsection (a) of this Section, shall include, without limitation:
 - 1) the execution of a contract of sale which binds the purchaser; or
 - 2) the payment of the purchase price by the agreed upon method of payment.

SUBPART D: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 135.700 Hearings

Any hearing required pursuant to the Act or by this Part shall be held pursuant to 14 Ill. Adm. Code 130, Subpart K: Procedures For Administrative Hearings.

SUBPART E: SERVICE OF PROCESS

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 135.800 Service of Process upon the Secretary of State

a) Any process, notice or demand to be served upon the Secretary of State under the Act shall be made by delivering personally to the Securities Director, or any employee of the Securities Department designated by the Securities Director to accept such service on behalf of the Secretary of State, or by sending by registered mail or certified mail, return receipt requested, a copy of the process, notice or demand to the Securities Department. Procedures for service are specified in the Act in the following Sections:

- 1) Service upon any person who has filed a consent to service of process upon the Secretary of State under the Act, Section 5-80(e) of the Act;
 - 2) Service upon any person who, by virtue of having offered, sold or delivered a business opportunity in this State which is neither registered nor covered by an exemption from registration, shall have appointed the Secretary of State as agent for service of process, Section 5-80(e) of the Act; and
 - 3) Service of a copy of a complaint in a private civil action.
- b) Service of any process, notice or demand under this Section shall be made at the Springfield or Chicago office of the Securities Department during regular business hours as specified in Section 135.2100 of this Part.
- c) At the time of any service upon the Secretary of State pursuant to Section 5-80(e) of the Act, there shall be paid a fee in the amount specified in Section 135.2110 of this Part, which shall not be returnable in any event. Each process, notice or demand shall be submitted with a separate payment.
- d) The Securities Department shall keep a record, which shall show the date of service, of all the processes, notices and demands received.

Section 135.801 Scope of the Law

The registration and disclosure requirements under the Act or this Part shall apply only to the offer or sale of a business opportunity in this State to a purchaser who is domiciled in this State, or where the offer of the business opportunity is made or accepted in this State and the business opportunity is or will be located in this State.

SUBPART F: VIOLATIONS

Section 135.950 Fraudulent Practices

It shall be a violation of Section 5-95 of the Act for any person, in connection with the offer or sale of any business opportunity in this State sold pursuant to the exemptions granted under Section 5-10(a), (c) or (d) of the Act, directly or indirectly:

- a) to employ any device, scheme or artifice to defraud;

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- b) to make any untrue statement of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 135.1300 Request for Non-Binding Statements

a) Required Information and Format.

- 1) All requests for non-binding statements shall be in writing and be accompanied by the fee set forth in Section 135.2110 of this Part. The request shall be filed with the Securities Department and shall contain the following:
 - A) A brief summary of the Sections of the Act and of this Part to which the request pertains;
 - B) A detailed factual representation concerning every relevant aspect of the proposed transaction, such as the names of affected parties, type and description of business opportunity, details regarding the transactions, each claim of exemption, if any, and reasoning in support of each such claim. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
 - C) A discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) A statement setting forth the person's own opinion in the matter and the basis for such opinion; and
 - E) A representation that the transaction in question has not been commenced and will not commence for at least 30 days.

2) The Securities Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act or the Rules.

3) The Securities Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.

4) The Securities Department will not respond to requests based upon hypothetical facts or involving unnamed parties.

b) Review procedure. After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Securities Department may issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement stating that it will recommend that no enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented may require different conclusions and persons other than those requesting the statement should not rely on the statement.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- c) Availability of non-binding statements issued by the Department.
- 1) The Securities Department will maintain an index by statutory Section(s) involving all non-binding statements issued.
 - 2) Copies of such statements may be reviewed in the Securities Department's Springfield office and copies thereof may be obtained upon payment of the cost of duplication as set forth in Section 135.2110 of this Part.

SUBPART H: PUBLIC INFORMATION

Section 135.1400 Inspection of Business Opportunity Records

Records of all registered business opportunities are available for public inspection during the business hours at the Springfield or Chicago office of the Securities Department of the Secretary of State upon written request.

Section 135.1401 Non-Public Distribution of Information

Information or documents obtained by employees of the Secretary of State in the course of any examination or investigation pursuant to Section 5-60 of the Act shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Secretary of State available to anyone other than an employee of the Secretary of State, or other governmental agency, unless the Secretary of State authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

SUBPART I: RULES OF GENERAL APPLICATION

Section 135.2100 Business Hours of the Securities Department

- a) The principal office of the Securities Department at Lincoln Tower, 520 South Second Street, Suite 200, Springfield, Illinois 62701, is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Springfield.
- b) An office of the Securities Department at 17 North State Street, Suite 1100, Chicago, Illinois 60601 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Chicago.

Section 135.2101 Computation of Time

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 135.2110 Payment of Fees

- a) Fees under the Act are as follows:

Section 5-10 Order of Exemption/Filing Fee	\$300
Section 5-30 Initial Disclosure Document Filing Fee	\$300
Section 5-30(e) Renewal Filing Fee	\$300
Renewal Late Fee	\$100*
Fee to Report a Material Change to Required Disclosure pursuant to Section 135.352(b) of this Part	\$25
Business Opportunity Fee to report a change in its form of organization or a change of its name	\$20
Fee for the failure to file or file timely any required document or information	\$250
Fee for each subsequent failure to file or file timely any required document or information	\$500
Section 5-75(d) Non-Binding Statement	\$75
Section 5-80(d) Service of Process (when served upon the Secretary)	\$10
Certificate	\$10
Certified Copy of Document	\$10 plus
Each Page Certified	\$.50

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Duplication of Documents
each page duplicated

\$.50

Additional fee for payment
of fee returned to the
Securities Department
due to insufficient funds
or for a similar reason

\$50

*If the renewal application is filed within 9 business days
preceding the expiration of the current registration.

c. All payments of fees, except for payment of administrative fines under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines under the Act, in excess of \$500, except for a person registered under Section 5-10 or 5-30 of the Act, shall be made by money order, certified check or bank cashier's check.

d. Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

e. The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check or bank cashier's check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

All payment of fees under this Act shall be deemed to be filed and the fee paid is not less or more than five dollars of the amount due.

Section 135.2120 Place of Filing

Applications for registration or exemption from registration and other filings with the Securities Department or the Secretary of State pursuant to the Act shall be filed at Lincoln Tower, Suite 200, 520 South Second Street, Chicago, Illinois 60601 or 17 N. State, Suite 1100, Chicago, Illinois 60601. Material may be filed by delivery to the Securities Department, or otherwise.

Date of Filing

The filing of any document required to be filed with the Securities Department shall be the date of delivery of the document to the Secretary of State.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 135.2120 of this Part, or if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.

b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

Section 135.2140 Requirements as to Proper Form

Any document filed with the Securities Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed by the Securities Department. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Securities Department.

Section 135.2141 Additional Information

In addition to the information expressly required to be included in an application for registration, the applicant shall include other material information which may be necessary to make the required statements truthful.

Section 135.2143 Information Unknown or Not Reasonably Available

Information required need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either due to unreasonable effort or expense, or because it rests within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

- The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.
- The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 135.2144 Requirements as to Paper, Printing and Language

- Application for registration shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the disclosure statement may be on smaller paper but not less than 7 1/2 by 9 inches in size.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- b) The application for registration, and all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which, in the opinion of the Secretary of State, produces copies suitable for permanent record. All copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated to be clearly distinguishable as such on photocopies.
- c) The application for registration shall be in the English language. If any exhibit or other paper or document filed with the application for registration is in a foreign language, it shall be accompanied by a translation into the English language.

Section 135.2145 Number of Copies--Signatures

- a) One copy of the completed application for registration, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Secretary of State.
- b) If any name is signed to the application for registration pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, in the case of a corporate applicant, if the name of any officer signing on behalf of the applicant, or attesting to the applicant's seal, is signed pursuant to a power of attorney, copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 135.2190 Provisions for Granting of Variance from Rules

The Secretary of State or his or her designee may grant variances from this Part in individual cases where he determines that:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by granting the variance; and
- c) the Section from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Regulations Under the Illinois Business Brokers Act of 1995

- 2) Code Citation: 14 Ill. Adm. Code 140

- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
140.50	New
140.51	New
140.100	New
140.120	New
140.130	New
140.200	New
140.300	New
140.301	New
140.302	New
140.303	New
140.304	New
140.400	New
140.750	New
140.800	New
140.801	New
140.802	New
140.803	New
140.804	New
140.805	New
140.806	New
140.807	New
140.808	New
140.1000	New
140.1200	New
140.1400	New
140.1401	New
140.2100	New
140.2101	New
140.2110	New
140.2120	New
140.2130	New
140.2140	New
140.2141	New
140.2142	New
140.2143	New
140.2144	New
140.2145	New
140.2190	New

- 4) Statutory Authority: 815 ILCS 307

- 5) Effective Date of Rules: May 30, 1996

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- Section 140.2120 - Added to define place of filing.
- Section 140.2130 - Added to define date of filing.
- Section 140.2140 - Added to define requirements as to proper form.
- Section 140.2141 - Added to define additional information.
- Section 140.2142 - Added to define additional exhibits.
- Section 140.2143 - Added to define information unknown or not reasonably available.
- Section 140.2144 - Added to define requirements as to paper, printing and language.

Section 140.2145 - Added to define number of copies -- signatures.

Section 140.2190 - Added to define provisions for granting variances from Rules.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Michael A. Chizmar
 Assistant Director for Registration
 Address: Illinois Securities Department
 Lincoln Tower, Suite 200
 520 South Second Street
 Springfield, IL 62701
 Telephone: (217) 785-4930

The full text of the Adopted Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
 SUBTITLE A: REGULATION OF BUSINESS
 CHAPTER I: SECRETARY OF STATE

PART 140

REGULATIONS UNDER THE ILLINOIS BUSINESS BROKERS ACT OF 1995

SUBPART A: DEFINITIONS

Section
 140.50
 140.51

Scope of the Law
 Definitions of Terms Used in the Act and the Rules

SUBPART B: REGISTRATION OF BUSINESS BROKERS

Section
 140.100

Procedures for Registration as a Business Broker Under Section 10-10 of the Act

140.120

Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker

140.130

Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker

140.200

Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

140.300

When Disclosure Statement Must Be Provided

140.301

Purpose of Disclosure; Substantial Compliance

140.302

Contents of Disclosure Statement

140.303

Providing the Contract With the Disclosure Statement

140.304

Providing the Contract to Client

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
 140.400

Hearings

SUBPART D: RECORDS

Section
 140.750

Records Required of Business Brokers

SUBPART E: EXEMPTIONS

Section
 140.800

Previous and Ongoing Agreements or Contracts and Transactions Not Affected

140.801

Burden of Proof

140.802

Exemption for Franchises

140.803

Exemptions from Waiting Period and Disclosure Requirements Pursuant

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

to Section 10-30 of the Act

140.804 Exemption for Attorneys
 140.805 Exemption for Certified Public Accountants
 140.806 Other Persons Exempt from the Act and This Part
 140.807 Transactions Exempt from the Act and This Part
 140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement

SUBPART F: SERVICE OF PROCESS

Section
 140.1000 Service of Process upon the Secretary of State

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
 140.1200 Request for Non-Binding Statements

SUBPART H: PUBLIC INFORMATION

Section
 140.1400 Inspection of Business Broker Records
 140.1410 Non-Public Distribution of Information

SUBPART I: RULES OF GENERAL APPLICATION

Section
 140.2100 Business Hours of the Securities Department
 140.2101 Computation of Time
 140.2110 Payment of Fees
 140.2120 Place of Filing
 140.2130 Date of Filing
 140.2140 Requirements as to Proper Form
 140.2141 Additional Information
 140.2142 Additional Exhibits
 140.2143 Information Unknown or Not Reasonably Available
 140.2144 Requirements as to Paper, Printing and Language
 140.2145 Number of Copies--Signatures
 140.2150 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Business Brokers Act of 1995 [815 ILCS 307].

SOURCE: Emergency rule adopted at 20 Ill. Reg. 603, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 7984, effective May 30, 1996.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: DEFINITIONS

Section 140.50 Scope of the Law

The Illinois Business Broker Act of 1995 [815 ILCS 307] shall apply only when the person engaged or sought to be engaged by the business broker is domiciled in this State or, when the company or business sought to be sold, has its principal place of business in this State.

Section 140.51 Definitions of Terms Used in the Act and the Rules

a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act or Law" means the Illinois Business Brokers Act of 1995 [815 ILCS 307].

"Advertising" means any circular, disclosure statement, advertisement, or other material or any communication by radio, television, pictures or the transmittal or sending or of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Branch Office":

Branch office means any office, residence or other place or location in this State where the business of a registered business broker is conducted and which is owned or controlled by, or operated directly, or indirectly for the benefit of, the registered business broker and where the business of the business broker is conducted by a principal, agent or employee for such registered business broker.

The principal office located in this State of the registered business broker shall not be considered a branch office.

Except as otherwise provided in this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered business

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

broker shall be considered a branch office for the registered business broker.

"Business Broker" is any person who engages in any of the actions specified in Section 10-5.10 of the Act for a fee, commission or other compensation, including a person who promises to procure a buyer for a business or who assists any business in procuring a buyer, but does not include a person who is selling a business owned or operated by that person in a one time transaction, and does not include individuals engaged in business brokering on behalf of a registered business broker, provided that such non-registered individuals have been identified in the registration application of the registered business broker.

"Client" means any person who has signed a business broker agreement or contract which provides for such person to be represented by the business broker and obligating that person to compensate the business broker under some circumstance.

"Date of Filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Dominant Element of a Transaction" as used in Section 10-5.15 and Section 10-80(a)(2) of the Act means any transaction in which (1) 50% or more of the purchase price or 50% or more of the net asset value of the business being sold is real estate; or (2) real estate is an integral part of the business being sold. The percentage of the transaction made up of the purchase price or net asset value of the real estate shall be based upon the reasonable expectation of the person potentially acting as a business broker and the client at the time the brokerage contract or agreement for services is entered into; or (3) real estate is the single largest part of the transaction.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

"General Ledger" means any permanently documented accounting system which contains all of the accounts of a business broker indicating all payments and income received from clients and proposed clients kept and made in the ordinary and reasonable course of business. For example, the term includes, but is not limited to, a check register used in the ordinary course of business, and computer accounting program which maintains records in an electronic format.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Insolvency" means the rendering of a business broker financially unable to perform any contractual obligations of its business brokering duties.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Offer or Offer to Sell" includes every attempt to dispose of a business for value or solicitation of an offer to purchase a business.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Ongoing Business" means an existing business that, for at least six months prior to the offer, has been operated from a specific, but not necessarily the same, location, has been open for business to the general public and has substantially all of the equipment and supplies necessary to operate the business.

"Principal" means any officer, director, partner, member, trustee, or manager who is responsible for the supervision and management of the daily business operations in this State of a business broker required to be registered under the Act.

"Proposed Client" means any person who has executed a disclosure

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

statement which he or she received from a business broker and returned or caused to be returned to the business broker.

"Purchaser" means a person who enters into a contract or agreement for the acquisition of a business or a person to whom an offer to sell a business is directed.

"Real Estate" means and includes leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in Illinois or elsewhere.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Sale or Sell" means every contract or agreement of sale, contract to sell, or the disposition of a business or interest in a business for value.

"Secretary of State" means the Securities Department of the Office of the Illinois Secretary of State or the Secretary of State or the Securities Director, or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Seller" means a person who sells or offers to sell a business or any agent or person who directly or indirectly acts on behalf of such person, except that a person acting as a business broker is neither a seller nor buyer.

- b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

SUBPART B: REGISTRATION OF BUSINESS BROKERS

Section 140.100 Procedures for Registration as a Business Broker Under Section 10-10 of the Act

No person shall be registered as a business broker unless such person submits a completed application as set forth in this Section.

- a) Each applicant for registration as a business broker shall file with the Secretary of State Securities Department a completed and current application on Illinois Form BB01 and pay to the Securities Department

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

all appropriate fees as specified in Section 140.2110 of this Part. The application shall be accompanied by the following:

- 1) A Consent to Service of Process for the applicant on Illinois Form BB10, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 2) The disclosure document required under Section 10-30(b) of the Act or Section 10-30(b)(1) of the Act and Section 140.302 or 140.303 of this Part (provided however a contract does not need to accompany the disclosure document);
- b) Upon the grant of registration of a business broker, the Securities Department shall issue to the business broker proof of registration as evidence of such registration;
- c) The application and documents on file with the Securities Department with respect to the business broker shall be amended whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change; and
- d) An applicant may request that certain information in its application be kept confidential. The Securities Department shall honor such request if the information is personal in nature or if public access to the information is not reasonably necessary to further the purposes of the Act.

Section 140.120 Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker

If a business broker elects to withdraw its pending application prior to registration in this State, or if a registered business broker wishes to terminate its registration in this State, it shall provide written notice to the Securities Department indicating such intent. Any fees paid shall not be returnable in any event.

Section 140.130 Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker

- a) When an incomplete application for registration as a business broker has been on file with the Secretary of State for a period of six months, the Secretary of State may, in his or her discretion, proceed in the following manner to determine whether the application for registration has been abandoned by the applicant.

- b) A notice will be sent to the applicant named in the application for registration, by certified mail, return receipt requested, addressed to the most recent address reflected in the application for registration. The notice will inform the applicant that the application for registration is incomplete and one of the following must be done within 30 days after the date of the Notice:

- 1) the deficiencies must be corrected and filed; or

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- 2) written intent to complete within a specified period must be filed to comply with the applicable requirements of the Act; or
- 3) a request must be filed for withdrawal of the pending application.
- c) Should the applicant fail to respond to such notice by filing the information or document necessary to correct the deficiencies or withdrawing the application for registration, the Secretary of State shall enter an order declaring the application for registration abandoned.
- d) When such an order is entered by the Secretary of State:
 - 1) the filing, examination and registration fees paid upon the filing of the application for registration will not be returned; and
 - 2) the records of the Secretary of State will be marked to indicate that the application for registration was abandoned and the date of the order.
- e) The applicant may request an administrative hearing in writing within 15 days after receipt of the Order of Abandonment. A request for hearing shall set forth the grounds upon which the applicant petitions for a hearing.

Section 140.200 Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

- a) If a registered business broker wishes to renew its registration, it shall file with the Securities Department a completed and current Illinois Form BR01 together with the renewal application filing fee, examination fee and branch office fee, if any, as specified in Section 140.2110 of this Part.
- b) Any amendment(s) shall also be filed with the Securities Department within ten business days if any material change occurs in the information that was filed with the Securities Department when the business broker applied for registration.
- c) Any application for renewal of registration of a business broker filed with or fees paid to the Securities Department within 29 days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 140.2110 of this Part.
- d) Upon receipt of the renewal fees the Securities Department shall issue to the business broker proof of renewal as evidence of such registration.

Section 140.300 When Disclosure Statement Must Be Provided

- a) Except as provided in Section 140.803 of this Part, a business broker shall provide a disclosure statement, pursuant to Section 10-30 of the Act, which shall be consistent in all material respects with this Section, to any client or proposed client at least seven days before

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

the earlier of:

- 1) The time such client or proposed client signs a contract for the services of the business broker; or
- 2) The time the business broker receives any consideration for the contract.
- b) As used in this Part and in the Act, the term "client" does not include a person who is under no obligation to compensate the business broker under any circumstances.
- c) The Secretary of State recommends that business brokers have each client and proposed client sign and date an acknowledgment of receipt when the disclosure statement is provided to clients and proposed clients.

Section 140.301 Purpose of Disclosure; Substantial Compliance

- a) The Secretary of State has determined that the disclosure statement and waiting period requirements of the Act should be interpreted and enforced so as to further the objective of the Act. That objective is to ensure that clients and proposed clients of business brokers have full disclosure of the material terms in the business broker's contract with the client, have an opportunity to review those terms and, at the client's request, have an attorney review the contract.
- b) Where a business broker has reasonably tried to comply with the provisions of this Part, such broker shall be deemed to have complied with Section 10-30 of the Act if the client or proposed client has been provided with all material information required by this Part and has had a reasonable opportunity to review and consider the information, to review the business broker's contract, and to have the business broker's contract reviewed by an attorney.
- c) The Secretary of State recommends that business brokers have each client or proposed client sign and date an acknowledgment of receipt when the disclosure statement is provided to clients and proposed clients.

Section 140.302 Contents of Disclosure Statement

The disclosure statement shall contain the following information:

- a) Nothing except the following language in at least 10-point boldface capital letters shall appear on the cover page (an example is set forth in Section 140.303):
 - 1) DISCLOSURES REQUIRED BY LAW;
 - 2) THE SECRETARY OF STATE HAS NOT REVIEWED AND DOES NOT APPROVE, RECOMMEND, ENDORSE OR SPONSOR ANY BUSINESS BROKERAGE CONTRACT. THE INFORMATION CONTAINED IN THIS DISCLOSURE HAS NOT BEEN VERIFIED BY THE SECRETARY OF STATE; AND
 - 3) IF YOU HAVE ANY QUESTIONS, SEE AN ATTORNEY BEFORE YOU SIGN A CONTRACT OR AGREEMENT.
- b) On the following pages, the information as set forth in Section

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

10-30(b) of the Act shall be provided including (an example is set forth in Section 140.303):

- 1) The name and form of organization of the business broker, the names under which the business broker has done, is doing, or intends to do business, and the name of any parent organization or affiliate of the broker;
 - 2) The names, addresses, and titles of the business broker's officers, directors, trustees, general partners, general managers, principal executives, and any other person performing similar duties;
 - 3) A full and detailed description of the actual services that the business broker undertakes to perform for the proposed client; and
 - 4) A specific statement of the circumstances under which the business broker will be entitled to obtain or retain consideration from the party with whom the business broker has entered into a contract.
- c) The information in subsections (b)(3) and (b)(4) of this Section need not be set out on the disclosure statement if the business broker's contract is provided with the disclosure statement.

Section 140.303 Providing the Contract With the Disclosure Statement

- a) Because the purpose of the disclosure statement is to provide full information about the material terms of the business broker's contract with the client, the Secretary of State encourages business brokers to include a copy of the contract with the disclosure statement. When the contract is provided to the client with the disclosure statement, the disclosure statement need not contain either:
 - 1) the full and detailed description of the actual services that the business broker undertakes to perform; or
 - 2) a specific statement of the circumstances under which the business broker will be entitled to obtain or retain consideration from the party with whom the business broker has entered into a contract.
- b) The following is an example of a cover page which, if prepared as follows and accurate in all material respects, will be deemed to comply with the Act (important: nothing except the following language in at least 10-point boldface capital letters shall appear on the cover page):
 - 1) DISCLOSURES REQUIRED BY LAW;
 - 2) THE SECRETARY OF STATE HAS NOT REVIEWED AND DOES NOT APPROVE, RECOMMEND, ENDORSE OR SPONSOR ANY BUSINESS BROKERAGE CONTRACT. THE INFORMATION CONTAINED IN THIS DISCLOSURE HAS NOT BEEN VERIFIED BY THE SECRETARY OF STATE; AND
 - 3) IF YOU HAVE ANY QUESTIONS, SEE AN ATTORNEY BEFORE YOU SIGN A CONTRACT OR AGREEMENT.
- c) The following is an example of page two (this is not a form):

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

The information regarding the Business Broker's organization, principals, services and fees is being provided in this Disclosure Statement pursuant to the Illinois Business Brokers Act of 1995 (815 ILCS 307/10-30(b)).

THE BUSINESS BROKER CONTRACT (OR FEE AGREEMENT) IS PROVIDED WITH THIS DISCLOSURE STATEMENT AND IS AN INTEGRAL PART OF THIS DISCLOSURE STATEMENT.

READ BOTH THIS DISCLOSURE STATEMENT AND THE CONTRACT OR AGREEMENT CAREFULLY. YOU ARE ENCOURAGED TO HAVE THE CONTRACT OR AGREEMENT REVIEWED BY AN ATTORNEY.

Organization

Organization Name: _____ Type: _____

Business Name (if different): _____

Address: _____

Name(s) under which Business Broker has done business: _____

Parents/Affiliates:

List of Business Broker's officers, directors, trustees, general partners, general managers, principal executives and others performing similar duties:

President: _____ Address: _____

Vice President: _____ Address: _____

Principal: _____ Address: _____

Services

The actual services that the Business Broker undertakes to perform are set forth in the Business Broker Contract (or Fee Agreement). Those are the only services that the Business Broker is obligated to provide.

Client's Obligations

The circumstances under which you will be obligated to pay the Business Broker (or the Business Broker will be permitted to

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

retain money you have paid) are set forth in the Business Broker Contract (or Fee Agreement). READ THE CONTRACT OR AGREEMENT CAREFULLY.

CLIENT ACKNOWLEDGMENT:

I received this Disclosure Statement and a copy of the Business Broker Contract (or Fee Agreement) on the date set forth below.

Date: _____ Client Signature: _____
 _____ Client Name (printed): _____

Section 140.304 Providing the Contract to Client

The client shall have the right to retain a copy of the executed contract for the services of a business broker. The client's copy of the contract shall be provided to the client when the contract is executed, if feasible and the client so requests. Otherwise, the contract shall be mailed or otherwise sent to the client within one week after the execution thereof. No account number is required on the client's copy of the contract.

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS**Section 140.400 Hearings**

Any hearing required pursuant to the Act or by this Part shall be held pursuant to 14 Ill. Adm. Code 130, Subpart K: Procedures for Administrative Hearings.

SUBPART D: RECORDS**Section 140.750 Records Required of Business Brokers**

- a) Each business broker agreement or contract shall be given a unique identifying account number and all instruments or documents relating to that agreement or contract must bear this number. Every business broker registered by the Secretary of State shall keep and maintain for a period of six years from the date of its agreement or contract with the client in the business broker's principal office in this State the following records:

- 1) A business broker agreement or contract register that consists of a chronological listing of all business broker agreements or contracts that have been entered into. For each business broker agreement or contract the register shall contain the following:
 - A) The account number;
 - B) The date of the agreement or contract;
 - C) The name of the client or proposed client;
 - D) The amount of fees charged, if any; and

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- E) The cost and type of insurance required, if any.
 2) A file for each client or proposed client shall contain the following:

- A) The name, address and telephone number of the client or proposed client;
- B) A copy of the signed business broker agreement or contract;
- C) A copy of any other papers or instruments used in connection with the business broker agreement or contract that are signed by the client or proposed client, including a copy of the disclosure document required by Section 10-30 of the Act that contains an acknowledged receipt by the client or proposed client; and
- D) The amount of the business broker's fee that the client has paid; and, if there is an unpaid balance, the status of any collection efforts.

No file need be kept for a buyer client or proposed buyer client where no fee, expense reimbursement, retainer or other charge was incurred and no transaction was consummated.

- 3) All receipts from or for the account of clients or proposed clients and all disbursements to or for the account of clients or proposed clients, recorded so that the transactions are readily identifiable.
- 4) A general ledger that shall be posted at least monthly, and a trial balance sheet and profit and loss statement prepared within 30 days after the Secretary of State's request for information.
- 5) A copy of the following:
 - A) All advertisements, pamphlets, circulars, letters, articles or communications published in any newspaper, magazine, periodical or the transmittal or or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") which discuss the business broker;
 - B) Scripts of any recording or radio or television announcement which discuss the business broker; and
 - C) Any sales kit or literature used or to be used in solicitation of clients.
- b) Every registered business broker shall preserve during the life of its business organization and of any successor thereto all partnership agreements, certificates or articles and amendments thereto or, in the case of a corporation, all certificates and articles of incorporation or charter or amendments thereto, minute books and stock certificate books.
- c) After a record or other documents have been preserved for two years, an accurate copy on any form of information retrieval device may be substituted therefor for the balance of the required time.
- d) Every business broker registered by the Secretary of State shall maintain within this State, in an easily accessible place, all records required by this Section or the Act. All records required to be

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

maintained under this Section or the Act must be separate or readily identifiable from the records of any other business that is conducted in the office of the business broker. A written request for a waiver of the provisions of this Section may be made to the Secretary of State to permit any registered business broker to maintain any of the records required by this Section or the Act outside the State of Illinois. In determining whether the provisions of this Section should be waived, the Secretary of State shall consider, without limitation, whether the main office of the business broker is outside the State of Illinois or whether the business broker uses all or some of the bookkeeping facilities of some other business broker whose main office is outside the State of Illinois.

e) For the purpose of this Section, if advertisements are made through the use of the United States mail or similar means of delivery, or broadcast over radio or television or similar means of broadcast, or transmitted or sent via the Internet then only one representative copy of the advertisement is required to be maintained by the business broker, together with the dates of printing, broadcast or transmission (if known) and the names and addresses of the recipients.

SUBPART E: EXEMPTIONS

Section 140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected

All business broker agreements or contracts and transactions between a business broker and its clients or proposed clients which do not comply with the Act or this Part, if entered into prior to January 1, 1996, shall be deemed to be valid and enforceable, notwithstanding this Part or the Act.

Section 140.801 Burden of Proof

In any administrative, civil or criminal proceeding related to the Act, the burden of proving an exemption, an exception from a definition or an exclusion from the Act is upon the person claiming it.

Section 140.802 Exemption for Franchises

Persons registered pursuant to the Illinois Franchise Disclosure Act of 1987 [815 ILCS 705] (and their employees) are exempt from the requirements of the Act as to: offers and sales in connection with such franchising activities; or assisting any of their franchisees in the offer or sale of a franchise by any such franchisee for its own account regardless of whether the sale is effected by or through such registered persons.

Section 140.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 10-30 of the Act

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

a) The requirements that a business broker provide a written disclosure statement and wait at least seven days before the client executes a contract with the business broker or before the business broker receives any consideration for the contract shall not apply if:

1) The client to be represented by the business broker is or has had:

A) A natural person who has, or is reasonably believed by the business broker relying upon this Section to have, a net worth or joint net worth with that person's spouse in excess of \$1,000,000 at the time of the execution of the business broker agreement or contract; or

B) A natural person who has, or is reasonably believed by the business broker relying upon this Section to have, an income or joint income with that person's spouse in excess of \$200,000 in the most recent fiscal year; or

C) A company, business or other non-natural person that has, or is reasonably believed by the business broker relying upon this Section to have, a total asset value in excess of \$1,000,000 and has been in existence for at least nine months and was not formed for the purposes of this subject transaction; or

D) A company, or business or other non-natural person that has, or is reasonably believed by the business broker relying upon this Section to have, gross revenues or gross sales in excess of \$200,000 in the most recent fiscal year and has been in existence for at least nine months and was not formed for the purposes of the subject transaction; or

E) A company, business or other non-natural person in which at least 90% of the equity interest is owned, or is reasonably believed by the business broker relying upon this Section to be owned, by persons who meet any of the tests set forth in subsection (a)(1)(A), (B), (C) or (D) of this Section.

2) An attorney reviews the business broker's contract for the client or proposed client.

b) A business broker shall be entitled to rely upon a statement executed by the client or proposed client that:

1) the client is in one of the categories enumerated in subsections (a)(1)(A) through (E) or subsection (a)(2) of this Section. Illinois Form BB02 may be utilized by the business broker for this purpose; or

2) the client had an attorney review the business broker's contract with the client. Illinois Form BB03 may be utilized by the business broker for this purpose.

c) The contract provides that the client or proposed client shall be entitled to cancel the contract and receive a refund of any consideration paid for seven days immediately following execution of the contract. The disclosure statement must still be provided to the client or proposed client unless the client or proposed client meets

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

one of the categories enumerated in subsections (a)(1)(A) through (E) or subsection (a)(2) of this Section.

Section 140.804 Exemption for Attorneys

Section 10-80(a)(1) of the Act only applies to an attorney who is licensed to practice in Illinois, while engaged in the practice of law and whose service in relation to the business broker transaction is incidental to his or her practice.

Section 140.805 Exemption for Certified Public Accountants

Any certified public accountant licensed to practice in Illinois, while engaged in the practice as a certified public accountant and whose service in relation to the business broker transaction is incidental to his or her practice, is exempt from the requirements of the Act.

Section 140.806 Other Persons Exempt from the Act and This Part

The following persons are exempt from the requirements of the Act and of this Part:

- a) Any person who is selling a business owned or operated (in whole or in part) by that person in a one time transaction;
- b) Any person licensed to engage in business as a real estate broker or salesperson in Illinois while rendering services in the ordinary course of a transaction in which a license as a real estate broker or salesperson is required, provided that:
 - 1) real estate is the dominant element, as defined in Section 140.51 of this Part, of the transaction; or
 - 2) such person reasonably believed that real estate would be the dominant element, as defined in Section 140.51 of this Part, of the transaction at the time such person was engaged by the client;
- c) Such persons enumerated in Section 10-80(a)(3) of the Act, provided that they are not in the business of business brokering; and
- d) Any financial institutions listed in Section 10-80(b) of the Act.

Section 140.807 Transactions Exempt from the Act and This Part

The following transactions are exempt from the provisions of the Act and this Part:

- a) Any sale or purchase of a business (or any interest therein) where the transaction is a securities transaction involving securities subject to the Illinois Securities Law of 1953 [815 ILCS 5]; or
- b) Any sale or purchase of a business (or any interest therein) wherein the sale or exchange of real estate is the dominant element, as defined in Section 140.51 of this Part, of the transaction.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement

Any real estate broker or real estate salesperson who has entered into a Brokerage Agreement or contract, as defined in the Illinois Real Estate License Act [225 ILCS 455], and whose service in relation to the business broker transaction is incidental to the performance of the Brokerage Agreement is exempt from the requirements of the Act.

SUBPART F: SERVICE OF PROCESS

Section 140.1000 Service of Process upon the Secretary of State

- a) Any process, notice or demand to be served upon the Secretary of State under the Act shall be made by delivering personally to the Securities Director, or any employee of the Securities Department designated by the Securities Director to accept such service on behalf of the Secretary of State, or by sending by registered mail or certified mail, return receipt requested, a copy of the process, notice or demand to the Securities Department. Procedures for service are specified as follows:
 - 1) Service upon any person who has filed a consent to service of process upon the Secretary of State;
 - 2) Service upon any person who, by virtue of acting as a business broker in this State which is neither registered nor covered by an exemption from registration, shall have appointed the Secretary of State as agent for service of process; and
 - 3) Service of a copy of a complaint in a private civil action.
- b) Service of any process, notice or demand under this Section shall be made at the Springfield or Chicago office of the Securities Department during regular business hours as specified in Section 140.2100 of this part.
- c) At the time of any service upon the Secretary of State there shall be paid a fee in the amount specified in Section 140.2110 of this Part, which shall not be returnable in any event. Each process, notice or demand shall be submitted with a separate payment.
- d) The Securities Department shall keep a record, which shall show the date of service of all the processes, notices and demands received.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 140.1200 Request for Non-Binding Statements

- a) Required Information and Format.
 - 1) All requests for non-binding statements shall be in writing and be accompanied by the fee set forth in Section 140.2110 of this Part. The request shall be filed with the Securities Department and shall contain the following:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- A) A brief summary of the Sections of the Act and of the Rules to which the request pertains;
 - B) A detailed factual representation concerning every relevant aspect of the proposed transaction, such as the names of affected parties, details regarding the transactions, each claim of exemption, if any, and reasoning in support of each such claim. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
 - C) A discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) A statement setting forth the person's own opinion in the matter and the basis for such opinion; and
 - E) A representation that the transaction in question has not been commenced and will not commence for at least 30 days.
- 2) The Securities Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act or the Rules.
 - 3) The Securities Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.
 - 4) The Securities Department will not respond to requests based upon hypothetical facts or involving unnamed parties.
 - b) Review procedure. After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Securities Department may issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement stating that it will recommend that no enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented may require different conclusions and persons other than those requesting the statement should not rely on the statement.
 - c) Availability of non-binding statements issued by the Department.
 - 1) The Securities Department will maintain a chronological index by statutory Section(s) involving all non-binding statements issued.
 - 2) Copies of such statements may be reviewed in the Securities Department's Springfield or Chicago office and copies thereof may be obtained upon payment of the cost of duplication as set forth in Section 140.2110 of this Part.

SUBPART H: PUBLIC INFORMATION

Section 140.1400 Inspection of Business Broker Records

- a) Records of all registered business brokers are available for public inspection during the business hours at the Springfield or Chicago office of the Securities Department of the Secretary of State upon written request.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- b) Each request for information on file with the Securities Department regarding a registered business broker shall be made in writing and delivered to the Springfield or Chicago office of the Securities Department of the Secretary of State. The request may be delivered by United States mail, private courier, hand, facsimile or electronic transmission or any similar type of delivery or transmission.
- c) The request shall include the name, address and telephone number of the person making the request, and a statement setting forth the reason that the person is initiating the request. The Secretary of State or his or her designee shall maintain for six calendar years each written request for disclosure of information.
- d) The Securities Department shall notify each registered business broker in writing within seven calendar days after its receipt of a request for disclosure of information on file.
- e) No information on file with the Securities Department regarding any social security number, contract with a client or any terms of a contract, the name or address of any contracting client or the address or telephone number of any office of the business broker (except the principal office) shall be made available to the public.

Section 140.1401 Non-Public Distribution of Information

Information or documents obtained by employees of the Secretary of State in the course of any examination or investigation pursuant to Section 10-45 of the Act shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Secretary of State available to anyone other than an employee of the Secretary of State, or other governmental agency, unless the Secretary of State authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

SUBPART I: RULES OF GENERAL APPLICATION

Section 140.2100 Business Hours of the Securities Department

- a) The principal office of the Securities Department at Lincoln Tower, 520 South Second Street, Suite 200, Springfield, Illinois 62701, is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Springfield.
- b) An office of the Securities Department at 17 N. State, Suite 1100, Chicago, Illinois 60602 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Chicago.

Section 140.2101 Computation of Time

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 140.2110 Payment of Fees

a) Fees under the Act are as follows:

Section 10-10

Filing, Examination and
Registration Fee

\$200(plus \$50 for
each person
who is
engaged in
business
brokering on
behalf of the
business
brokerage
firm in
excess of
two)

Branch Office Fee

\$20(if in excess
of 2 branch
offices in
this State)

Section 10-20

Renewal Filing and Examination
Fee

\$200(plus \$50 for
each person
who is
engaged in
business
brokering on
behalf of
the
business
brokerage
firm in
excess of
two)

Renewal Branch Office Fee

\$20(if in excess
of 2 branch
offices in
this State)

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Renewal Late Fee

\$100(if the
renewal
application
is filed
within 29
days
preceding the
expiration of
the current
registration)

Business Broker Fee to report
a change in its form of
organization or change of
its name

\$20

Service of Process (when served
upon the Secretary)

\$10

Section 10-50
Certificate

\$10

Certified Copy of Document
Each Page Certified

\$10 plus
\$.50

Non-Binding Statement

\$75

Duplication of Documents
Each Page Duplicated

\$.50

Additional fee for payment
of fee returned to the
Securities Department
due to insufficient funds
or for a similar reason

\$50

b) All payments of fees, except for payment of administrative fines under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, in excess of \$500, under the Act, except for a person registered under Section 10-10 or 10-20 of the Act, shall be made by money order, certified check or bank cashier's check.

c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary of State the amount of fee owed plus an additional

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

d) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check, or bank cashier's check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

e) All payment of fees under the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than five dollars of the amount due.

Section 140.2120 Place of Filing

All applications for registration or exemption from registration and other papers filed with the Securities Department or the Secretary of State pursuant to the Act shall be filed at Lincoln Tower, Suite 200, 520 South Second Street, Springfield, Illinois 62701 or 17 N. State, Suite 1100, Chicago, Illinois 60601. Such material may be filed by delivery to the Securities Department, through the mail or otherwise.

Section 140.2130 Date of Filing

a) The date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 140.2120 of this Part, or if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.

b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

Section 140.2140 Requirements as to Proper Form

Any document filed with the Securities Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed by the Securities Department. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Securities Department.

Section 140.2141 Additional Information

In addition to the information expressly required to be included in an application for registration, the applicant shall include other material information which may be necessary to make the required statements truthful.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 140.2142 Additional Exhibits

The applicant may file exhibits in addition to those required by the appropriate form. The exhibits shall be marked to indicate the subject matters to which they refer.

Section 140.2143 Information Unknown or Not Reasonably Available

Information required need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either due to unreasonable effort or expense, or because it rests within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

a) The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

b) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 140.2144 Requirements as to Paper, Printing and Language

a) Application for registration shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable.

b) The application for registration, and all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which, in the opinion of the Secretary of State, produces copies suitable for permanent record. All copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated to be clearly distinguishable as such on photocopies.

c) The application for registration shall be in the English language. If any exhibit or other paper or document filed with the application for registration is in a foreign language, it shall be accompanied by a translation into the English language.

Section 140.2145 Number of Copies--Signatures

a) One copy of the completed application for registration, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Secretary of State.

b) If any name is signed to the application for registration pursuant to

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, in the case of corporate applicant, if the name of any officer signing on behalf of the applicant, or attesting to the applicant's seal, is signed pursuant to a power of attorney, copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 140.2190 Provisions for Granting of Variance from Rules

The Secretary of State or his or her designee may grant variances from this Part in individual cases where he or she determines that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by granting the variance; and
- c) The Section from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Regulations Under the Illinois Loan Broker Act of 1995

- 2) Code Citation: 14 Illinois Administrative Code 145

- 3) Section Numbers: Adopted Action:

145.50	New
145.51	New
145.150	New
145.151	New
145.152	New
145.200	New
145.300	New
145.301	New
145.302	New
145.304	New
145.400	New
145.750	New
145.802	New
145.803	New
145.806	New
145.1000	New
145.1200	New
145.1400	New
145.1401	New
145.2100	New
145.2101	New
145.2110	New
145.2120	New
145.2130	New
145.2140	New
145.2141	New
145.2143	New
145.2144	New
145.2145	New
145.2190	New

- 4) Statutory Authority: 815 ILCS 175

- 5) Effective Date of Rules: May 30, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: May 30, 1996

- 9) Notice of Proposal Published in Illinois Register: March 15, 1996, 20

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

111. Reg. 4287

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes were grammar and punctuation only. No substantial changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? The emergency rules are due to expire the same date that these rules become effective. The Rules that will be replaced are: 145.50, 145.400, 145.1000, 145.1200, 145.2100, 145.2101, 145.2110, 145.2120, 145.2130, 145.2140, 145.2141, 145.2143, 145.2144, 145.2145, 145.2190

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

Section 145.50 - Added to define the scope of the Law.

Section 145.51 - Added to define terms used in the Act and Rules.

Section 145.150 - Added to lay out procedures for registration.

Section 145.151 - Added to lay out procedures for withdrawing pending application or terminating registration.

Section 145.152 - Added to lay out procedures for abandoning incomplete applications.

Section 145.200 - Added to lay out procedures for renewal.

Section 145.300 - Added to define when disclosure statement is required.

Section 145.301 - Added to define purpose of disclosure and compliance.

Section 145.302 - Added to clarify contents of disclosure statement.

Section 145.304 - Added to define providing the contract to client.

Section 145.400 - Added to define procedures for Hearings.

Section 145.750 - Added to define records required of Business Brokers.

Section 145.802 - Added to define exemption for franchises.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 145.803 - Added to define exemptions for waiting period.

Section 145.806 - Added to define persons exempt from Act and Regulations.

Section 145.1000 - Added to define procedure for Service of Process.

Section 145.1200 - Added to define procedure for request for non-binding statements.

Section 145.1400 - Added to define public inspection of records.

Section 145.1401 - Added to define non-public distribution of information.

Section 145.2100 - Added to define business hours of the Securities Department.

Section 145.2101 - Added to define computation of time.

Section 145.2110 - Added to define payment of fees.

Section 145.2120 - Added to define place of filing.

Section 145.2130 - Added to define date of filing.

Section 145.2140 - Added to define requirements as to proper form.

Section 145.2141 - Added to define additional information.

Section 145.2143 - Added to define information unknown or not reasonably available.

Section 145.2144 - Added to define requirements as to paper, printing and language.

Section 145.2145 - Added to define number of copies -- signatures.

Section 145.2190 - Added to define provisions for granting variances from Rules.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Michael A. Chizmar
Assistant Director for Registration
Address: Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
Springfield, IL 62701

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Telephone: (217) 785-4930

The full text of the Adopted Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 145

REGULATIONS UNDER THE ILLINOIS LOAN BROKERS ACT OF 1995

SUBPART A: DEFINITIONS

Section
145.50
145.51

Scope of the Law
Definitions of Terms as Used in the Act and the Rules

SUBPART B: REGISTRATION OF LOAN BROKERS

Section
145.150
145.151
145.152
145.200
145.300
145.301
145.302
145.304

Procedures for Registration as a Loan Broker Under Section 15-15 of the Act
Procedures for Withdrawal of Pending Application or Termination of Registration as a Loan Broker
Procedure with Respect to Abandoning Incomplete Applications for Registration as a Loan Broker
Procedures for Renewal of Registration as a Loan Broker Under Section 15-20 of the Act
When Disclosure Statement Must be Provided
Purpose of Disclosure; Substantial Compliance
Contents of Disclosure Document
Providing the Contract to Borrower

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
145.400

Hearings

SUBPART D: RECORDS

Section
145.750

Records Required of Loan Brokers

SUBPART E: EXEMPTIONS

Section
145.802
145.803
145.806

Exemption for Franchises
Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 15-30 of the Act
Exemption for Business Broker Agreements or Contracts from the Loan Brokers Act of 1995

SECRETARY OF STATE
NOTICE OF ADOPTED RULES
SUBPART F: SERVICE OF PROCESS

Section 145.1000 Service of Process upon the Secretary of State
SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 145.1200 Request for Non-Binding Statements

SUBPART H: PUBLIC INFORMATION

Section 145.1400 Inspection of Loan Broker Records
145.1401 Non-Public Distribution of Information

SUBPART I: RULES OF GENERAL APPLICATION

Section 145.2100 Business Hours of the Securities Department
145.2101 Computation of Time
145.2110 Payment of Fees
145.2120 Place of Filing
145.2130 Date of Filing
145.2140 Requirements as to Proper Form
145.2141 Additional Information
145.2143 Information Unknown or Not Reasonably Available
145.2144 Requirements as to Paper, Printing and Language
145.2145 Number of Copies--Signatures
145.2190 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Loan Brokers Act of 1995 [815 ILCS 175].

SOURCE: Emergency rule adopted at 20 Ill. Reg. 629, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 8012, effective MAY 3.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: DEFINITIONS

Section 145.50 Scope of the Law

The Illinois Loan Brokers Act of 1995 [815 ILCS 175] shall apply only when the person engaged or sought to be engaged by the loan broker is domiciled in this State or, when the company or business seeking to borrow, has its principal office in this State.

SECRETARY OF STATE
NOTICE OF ADOPTED RULES

Section 145.51 Definitions of Terms as Used in the Act and the Rules

a) As used in this Part, unless the context otherwise requires, the term:
"Act" means the Illinois Loan Brokers Act of 1995 [815 ILCS 175] and this Part.

"Advertising" means any advertisement, or other similar materials or writings or any communication by radio, television, facsimile transmission, electronic transmission, pictures or the transmittal or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Borrower" means any person who has signed a loan broker agreement or contract which provides for such person to be represented by the loan broker and obligating that person to compensate the loan broker under some circumstance.

"Date of filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227) and the Rules and Regulations thereunder as in effect on January 1, 1996.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Interest" as delineated in Section 15-60 of the Act means the rate of

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Interest set forth in 815 ILCS 205.

"Loan Broker" does not mean or include any person described in Section 15-5.15(b) of the Act or any person authorized to do business under the Residential Mortgage License Act of 1987 or exempt from licensure as provided for in the Residential Mortgage License Act of 1987 or any person authorized to do business in Illinois and regulated by the Commissioner of Savings, Real Estate Professionals and Mortgage Finance, also known as the Commissioner of Savings and Residential Finance.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function; and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Principal" means any officer, director, partner, member, trustee or manager who is responsible for the supervision and management of the daily business operations in this State of a loan broker required to be registered under the Act.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Secretary of State" means the Securities Department of the Office of the Secretary of State or the Secretary of State or the Securities Director or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

- b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meaning given them in the Act.

SUBPART B: REGISTRATION OF LOAN BROKERS

Section 145.150 Procedures for Registration as a Loan Broker Under Section

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

15-15 of the Act

No person shall be registered as a loan broker unless such person submits a completed application as set forth in this Section.

- a) Each applicant for registration as a loan broker shall file with the Secretary of State Securities Department a completed and current application on IL LB Form 15-10 and pay to the Securities Department all appropriate fees as specified in Section 145.2110 of this Part. The application shall be accompanied by the following:

- 1) A Consent to Service of Process for the applicant on Illinois Form LBI5, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;
- 2) The disclosure statement required under Section 15-30(b) of the Act or Section 15-30(b)(1) of the Act; and
- 3) Evidence of the bond required under Section 15-15(b) of the Act consisting of a certificate from the issuing bonding authority.

The Securities Department shall review the application in a timely manner and notify the applicant in writing of any material deficiencies.

- b) Upon the grant of registration of a loan broker, the Securities Department shall issue to the loan broker proof of registration as evidence of such registration;

- c) The application and documents on file with the Securities Department with respect to the loan broker shall be amended whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change; and

- d) An applicant may request that certain information in its application be kept confidential. The Securities Department shall honor such request if the information is personal in nature or if public access to the information is not reasonably necessary to further the purposes of the Act.

Section 145.151 Procedures for Withdrawal of Pending Application or Termination of Registration as a Loan Broker

If a loan broker elects to withdraw its pending application prior to registration in this State, or if a registered loan broker wishes to terminate its registration in this State, it shall provide written notice to the Securities Department indicating such intent. Any fees paid shall not be returnable in any event.

Section 145.152 Procedure with Respect to Abandoning Incomplete Applications for Registration as a Loan Broker

- a) When an incomplete application for registration as a loan broker has been on file with the Secretary of State for a period of six months,

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

the Secretary of State may, in his or her discretion, proceed in the following manner to determine whether the application for registration has been abandoned by the applicant.

- b) A notice will be sent to the applicant named in the application for registration, by certified mail, return receipt requested, addressed to the most recent address reflected in the application for registration. The notice will inform the applicant that the application for registration is incomplete and one of the following must be done within 30 days after the date of the Notice:

- 1) the deficiencies must be corrected and refilled; or
- 2) written intent to complete, within a specified period, must be filed to comply with the applicable requirements of the Act; or
- 3) a request must be filed for withdrawal of the pending application.

- c) Should the applicant fail to respond to such notice by filing the information or document necessary to correct the deficiencies or withdrawing the application for registration, the Secretary of State shall enter an order declaring the application for registration abandoned.

- d) When such an order is entered by the Secretary of State:

- 1) the filing, examination and registration fees paid upon the filing of the application for registration will not be returned; and
- 2) the records of the Secretary of State will be marked to indicate that the application for registration was abandoned and the date of the order.

- e) The applicant may request an administrative hearing in writing within 15 days after receipt of the Order of Abandonment. A request for hearing shall set forth the grounds upon which the applicant petitions for a hearing.

Section 145.200 Procedures for Renewal of Registration as a Loan Broker Under Section 15-20 of the Act

- a) If a registered loan broker wishes to renew its registration, it shall file with the Securities Department a completed and current IL LB Form 15-10 together with the renewal application filing fee and examination fee as specified in Section 145.2110 of this Part. The Securities Department shall review the renewal application in a timely manner and notify the applicant in writing of any material deficiencies.

- b) Any amendment(s) shall also be filed with the Securities Department within ten business days if any material change occurs in the information that was filed with the Securities Department when the loan broker applied for registration.

- c) Any application for renewal of registration of a loan broker filed with or fees paid to the Securities Department within 29 days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 145.2110 of this

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Part.

- d) Upon receipt of the renewal fees the Securities Department shall issue to the loan broker proof of renewal as evidence of such registration.

Section 145.300 When Disclosure Statement Must Be Provided

- a) Except as provided in Section 145.803 of this Part, a loan broker shall provide a disclosure statement pursuant to Section 15-30 of the Act which shall be consistent in all material respects with this Section to any borrower at least seven days before the earlier of:
 - 1) The time such borrower signs a contract for the services of the loan broker; or
 - 2) The time the loan broker receives any consideration for the contract.

- b) As used in this Part and in the Act, the term "borrower" does not include a person who is under no obligation to compensate the loan broker under any circumstances.

- c) The Secretary of State recommends that loan brokers have each borrower sign and date an acknowledgment of receipt when the disclosure statement is provided to the borrower.

Section 145.301 Purpose of Disclosure; Substantial Compliance

- a) The Secretary of State has determined that the disclosure statement and waiting period requirements of the Act should be interpreted and enforced so as to further the objective of the Act. That objective is to ensure that borrowers of loan brokers have full disclosure of the material terms in the loan broker's contract with the borrower, have an opportunity to review those terms and, at the borrower's request, have an attorney review the contract.

- b) Where a loan broker has reasonably tried to comply with the provisions of this Part, such broker shall be deemed to have complied with all Section 15-30 of the Act if the borrower has been provided with all material information required by this Part and has had a reasonable opportunity to review and consider the information, to review the loan broker's contract, and to have the loan broker's contract reviewed by an attorney.

- c) The Secretary of State recommends that loan brokers have each borrower sign and date an acknowledgment of receipt when the disclosure statement is provided to the borrower.

Section 145.302 Contents of Disclosure Document

A written disclosure document that meets all of the requirements set forth in Section 15-30(b) of the Act, except that it omits the information required by Sections 15-30(b)(5) and (6) of the Act, will be deemed to meet the requirements set forth in Section 15-30(b) of the Act if:

- a) the disclosure document contains a statement to the effect that the

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

loan broker's contract accompanying the disclosure document contains information about the services the loan broker will perform and the circumstances under which the loan broker will be entitled to keep or receive a fee; and

- b) the loan broker provides the borrower with a copy of the contract containing the information required by Sections 15-30(b)(5) and (6) of the Act when the loan broker provides the disclosure document to the borrower.

Section 145.304 Providing the Contract to Borrower

The borrower shall have the right to retain a copy of the executed contract for the services of a loan broker. The borrower's copy of the contract shall be provided to the borrower when the contract is executed, if feasible and the borrower so requests. Otherwise, the contract shall be mailed or otherwise sent to the borrower within one week after the execution thereof. No account number is required on the borrower's copy of the contract.

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS**Section 145.400 Hearings**

Any hearing required pursuant to the Act or by this Part shall be held pursuant to 14 Ill. Adm. Code 130, Subpart K: Procedures For Administrative Hearings.

SUBPART D: RECORDS**Section 145.750 Records Required of Loan Brokers**

- a) Each loan broker agreement or contract shall be given a unique identifying account number and all instruments or documents relating to that agreement or contract must bear this number. Every loan broker registered by the Secretary of State shall keep and maintain for a period of six years from the date of its agreement or contract with the borrower in the loan broker's principal office in this State the following records:

- 1) A loan broker agreement or contract register that consists of a chronological listing of all loan broker agreements or contracts that have been entered into. For each loan broker agreement or contract the register shall contain the following:
 - A) The account number;
 - B) The date of the agreement or contract;
 - C) The name of the borrower;
 - D) The amount of fees charged, if any; and
 - E) The cost and type of insurance required, if any.

- 2) A file for each borrower shall contain the following:

- A) The name, address and telephone number of the borrower;
- B) A copy of the signed loan broker agreement or contract;

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- C) A copy of any other papers or instruments used in connection with the loan broker agreement or contract that are signed by the borrower, including a copy of the disclosure document required by Section 15-30 of the Act that contains an acknowledged receipt by the borrower;
 - D) If a loan was obtained for the borrower, the name, address and telephone number of the lender;
 - E) If a loan is accepted by the borrower, a copy of the signed loan agreement or contract, if made available to the loan broker; and
 - F) The amount of the loan broker's fee that the borrower has paid; and, if there is an unpaid balance, the status of any collection efforts.
- 3) All receipts from or for the account of borrowers and all disbursements to or for the account of borrowers, recorded so that the transactions are readily identifiable.
 - 4) A general ledger that shall be posted at least monthly, and a trial balance sheet and profit and loss statement prepared within 30 days after the Secretary of State's request for information.
 - 5) A copy of the following:
 - A) All advertisements, pamphlets, circulars, letters, articles or communications used to solicit borrowers that were published in any newspaper, magazine or periodical or transmitted or sent via the non-profit, non-profit, public computer network (commonly known as the "Internet");
 - B) Scripts of any recording or radio or television announcement used or to be used to solicit borrowers; and
 - C) Any sales kit or literature used or to be used to solicit borrowers.

- b) After a record or other documents have been preserved for two years, an accurate copy on any form of information retrieval device may be substituted therefor for the balance of the required time.
- c) All records required to be maintained under this Section or the Act must be separate or readily identifiable from the records of any other business that is conducted in the office of the loan broker. A written request for a waiver of the provisions of this Section may be made to the Secretary of State to permit any registered loan broker to maintain any of the records required by this Section or the Act outside the State of Illinois. In determining whether the provisions of this Section should be waived, the Secretary of State shall consider, without limitation, whether the main office of the loan broker is outside the State of Illinois or whether the loan broker uses all or some of the bookkeeping facilities of some other loan broker whose main office is outside the State of Illinois.

SUBPART E: EXEMPTIONS**Section 140.802 Exemption for Franchises**

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Persons registered pursuant to the Illinois Franchise Disclosure Act of 1987 [815 ILCS 705] (and their employees) are exempt from the requirements of the Act as to: offers and sales in connection with such franchising activities; or assisting any of their franchisees in the offer or sale of a franchise by any such franchisee for its own account, regardless of whether the sale is effected by or through such registered persons.

Section 145.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 15-30 of the Act

a) The requirements that a loan broker provide a written disclosure statement and wait at least seven days before the borrower executes a contract with the loan broker or before the loan broker receives any consideration for the contract shall not apply if:

- 1) The borrower to be represented by the loan broker is or has had:
 - A) A natural person who has, or is reasonably believed by the loan broker relying upon this Section to have, a net worth or joint net worth with that person's spouse in excess of \$1,000,000 at the time of the execution of the loan broker agreement or contract; or
 - B) A natural person who has, or is reasonably believed by the loan broker relying upon this Section to have, an income or joint income with that person's spouse in excess of \$200,000 in the most recent fiscal year; or
 - C) A company, business or other non-natural person that has, or is reasonably believed by the loan broker relying upon this Section to have, a total asset value in excess of \$1,000,000; or
 - D) A company, business or other non-natural person that has, or is reasonably believed by the loan broker relying upon this Section to have, gross revenues or gross sales in excess of \$200,000 in the most recent fiscal year; or
 - E) A company, business or other non-natural person in which at least 90% of the equity interest is owned, or is reasonably believed by the loan broker relying upon this Section to be owned, by persons who meet any of the tests set forth in subsection (a)(1)(A), (B), (C) or (D) of this Section.
 - 2) An attorney reviews the loan broker's contract for the borrower.
- b) A loan broker shall be entitled to rely upon a statement executed by the borrower that:
- 1) the borrower is in one of the categories enumerated in subsections (1)(1)(A) through (E) of this Section;
 - 2) the borrower had an attorney review the business broker's contract with the borrower.
- c) The contract provides that the borrower shall be entitled to cancel the contract and receive a refund of any consideration paid for seven days immediately following the execution of the contract. The disclosure statement must still be provided to the borrower unless the

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

borrower meets one of the categories enumerated in subsections (a)(1)(A) through (E) or subsection (a)(2) of this Section.

Section 145.806 Exemption for Business Broker Agreements or Contracts from the Loan Brokers Act of 1995

A business broker agreement or contract, made pursuant to and in compliance with the Illinois Business Brokers Act of 1995 [815 ILCS 307] between a client and a registered business broker, which contains a promise by, or obligation of, a business broker to procure or assist in procuring a loan for business financing or the purchase of a business for the client is exempt from this Act.

SUBPART F: SERVICE OF PROCESS

Section 145.1000 Service of Process upon the Secretary of State

a) Any process, notice or demand to be served upon the Secretary of State under the Act shall be made by delivering personally to the Securities Director, or any employee of the Securities Department designated by the Securities Director to accept such service on behalf of the Secretary of State, or by sending by registered mail or certified mail, return receipt requested, a copy of the process, notice or demand to the Securities Department. Procedures for service are specified in the Act in the following Sections:

- 1) Service upon any person who has filed a consent to service of process upon the Secretary of State;
 - 2) Service upon any person who, by virtue of acting as a loan broker in this State which is neither registered nor covered by an exemption from registration, shall have appointed the Secretary of State as agent for service of process; and
 - 3) Service of a copy of a complaint in a private civil action.
- b) Service of any process, notice or demand under this Section shall be made at the Springfield or Chicago office of the Securities Department during regular business hours as specified in Section 145.2100 of this Part.
- c) At the time of any service upon the Secretary of State there shall be paid a fee in the amount specified in Section 145.2110 of this Part, which shall not be returnable in any event. Each process, notice or demand shall be submitted with a separate payment.
- d) The Securities Department shall keep a record which shall show the date of service of all the processes, notices and demands received.

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 145.1200 Request for Non-Binding Statements

- a) Required Information and Format.
- 1) All requests for non-binding statements shall be in writing and

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

be accompanied by the fee set forth in Section 145.2110 of this Part. The request shall be filed with the Securities Department and shall contain the following:

- A) A brief summary of the Sections of the Act and of the Rules to which the request pertains;
 - B) A detailed factual representation concerning every relevant aspect of the proposed transaction, such as the names of affected parties, details regarding the transactions, each claim of exemption, if any, and reasoning in support of each such claim. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
 - C) A discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) A statement setting forth the person's own opinion in the matter and the basis for such opinion; and
 - E) A representation that the transaction in question has not been commenced and will not commence for at least 30 days.
- 2) The Securities Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act or the Rules.
- 3) The Securities Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.
- 4) The Securities Department will not respond to requests based upon hypothetical facts or involving unnamed parties.
- b) Review procedure. After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Securities Department may issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement stating that it will recommend that no enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented may require different conclusions and persons other than those requesting the statement should not rely on the statement.
- c) Availability of non-binding statements issued by the Department.
- 1) The Securities Department will maintain a chronological index by statutory section(s) involving all non-binding statements issued.
 - 2) Copies of such statements may be reviewed in the Securities Department's Springfield office and copies thereof may be obtained upon payment of the cost of duplication as set forth in Section 145.2110 of this Part.

SUBPART H: PUBLIC INFORMATION

Section 145.1400 Inspection of Loan Broker Records

Records of all registered loan brokers are available for public inspection

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

during the business hours at the Springfield or Chicago office of the Securities Department of the Secretary of State upon written request.

Section 145.1401 Non-Public Distribution of Information

Information or documents obtained by employees of the Secretary of State in the course of any examination or investigation pursuant to Section 15-45 of the Act shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making such confidential information or documents or any other non-public records of the Secretary of State available to anyone other than an employee of the Secretary of State, or other governmental agency, unless the Secretary of State authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

SUBPART I: RULES OF GENERAL APPLICATION

Section 145.2100 Business Hours of the Securities Department

- a) The principal office of the Securities Department at Lincoln Tower, 520 South Second Street, Suite 200, Springfield, Illinois 62701, is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Springfield.
- b) An office of the Securities Department at 17 North State Street, Suite 1100, Chicago, Illinois 60601 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m. Central Standard Time or Central Daylight Savings Time, whichever is currently in effect in Chicago.

Section 145.2101 Computation of Time

The time within which an act under the Illinois Loan Broker Act of 1995, [815 ILCS 175] shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 145.2110 Payment of Fees

- a) Fees under the Act are as follows:

Section 15-15	
Application Filing Fee	\$300
Examination Fee	\$50
Registration Fee	\$10

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Section 15-20
Renewal Application Filing Fee \$300
Examination Fee \$50
Renewal Late Fee \$100*

Loan Broker Fee to report a change in its form of organization or change of its name \$20

Service of Process (when served upon the Secretary of State) \$10

Section 15-50
Certificate \$10
Certified Copy of Document \$10 plus
Each Page Certified \$.50

Non-Binding Statement \$75

Duplication of Documents Each \$.50
Page Duplicated

Additional fee for payment of fee returned to the Securities Department due to insufficient funds or for a similar reason \$50

*If the renewal application is filed within 29 days preceding the expiration of the current registration.

c) All payments of fees, except for payment of administrative fines under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, except for a person registered under Section 15-15 or 15-20 of the Act shall be made by money order, certified check or bank cashier's check.

1) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

1) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check or bank money order

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.
e) All payment of fees under the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than five dollars of the amount due.

Section 145.2120 Place of Filing

All applications for registration or exemption from registration and other papers filed with the Securities Department or the Secretary of State pursuant to the Act shall be filed at Springfield or Chicago, Illinois. Such material may be filed by delivery to the Securities Department, through the mail or otherwise.

Section 145.2130 Date of Filing

- The date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 145.2120 of this Part, or if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.
- A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

Section 145.2140 Requirements as to Proper Form

Any document filed with the Securities Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed by the Securities Department. Any such document shall be deemed to be filed on the proper form unless objection to the form is made by the Securities Department.

Section 145.2141 Additional Information

In addition to the information expressly required to be included in an application for registration, the applicant shall include other material information which may be necessary to make the required statements truthful.

Section 145.2143 Information Unknown or Not Reasonably Available

Information required need be given only insofar as it is known or reasonably available to the applicant. If any required information is unknown and not reasonably available to the applicant, either due to unreasonable effort or expense, or because it rests within the knowledge of another person not

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

affiliated with the applicant, the information may be omitted, subject to the following conditions:

- a) The applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.
- b) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 145.2144 Requirements as to Paper, Printing and Language

- a) Application for registration shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable.
- b) The application for registration, and all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which, in the opinion of the Secretary of State, produces copies suitable for permanent record. All copies of the material shall be clear, easily readable and suitable for repeated photocopying.
- c) The application for registration shall be in the English language. If any exhibit or other paper or document filed with the application for registration is in a foreign language, it shall be accompanied by a translation into the English language.

Section 145.2145 Number of Copies--Signatures

- a) One copy of the completed application for registration, manually signed by the applicant, including exhibits and all other papers, if any, and documents filed as a part of the application, shall be filed with the Securities Department.
- b) If any name is signed to the application for registration pursuant to a power of attorney, a copy of the power of attorney shall be filed with the application for registration. In addition, in the case of a corporate applicant, if the name of any officer signing on behalf of the applicant, or attesting to the applicant's seal, is signed pursuant to a power of attorney, a copy of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 145.2190 Provisions for Granting of Variance from Rules

The Secretary of State or his or her designee may grant variances from this Part in individual cases where he or she determines that:

- a) the provisions from which the variance is granted is not statutorily mandated;

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

- b) no party will be injured by granting the variance; and
- c) the Section from which the variance is granted would, in the particular case, be unnecessarily burdensome.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employee s' Retirement Systems of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Adopted Action:
154.60 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Rulemaking: June 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 31, 1996
- 9) Notice of Proposal Published in Illinois Register: February 9, 1996 - 20 Ill Reg 2385
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed amendment involves the optional repayment of a refund received while legal action was pending. Previously, if a member was reinstated, he/she was allowed to reestablish the service credit forfeited if the refund was repaid within 30 days of notification by the System. This repayment would be permitted without interest charged to the member. If the member were unable to repay the entire amount of the refund within the 30-days period, he/she would need to establish 24 months of service credit before being allowed to repay the refund on an installment basis. This change waives the 24-month service credit requirement, and allows the member to repay the refund, with interest, in a lump sum or installments immediately, if he/she chooses. The member may still repay the refund without interest if paid in its entirety within 30 days of notification by the System.
- 16) Information and questions regarding this adopted amendment shall be directed to:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

Name: Michael L. Morv, Executive Secretary
 Address: State Employees' Retirement System of Illinois
 P.O. Box 19255 - 2101 South Veterans Parkway
 Springfield, Illinois 62794-9255
 Telephone: 217/785-7444

The full text of the Adopted Amendment begins on the next page:

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	Introduction
1540.5	Appointment of Retirement System Coordinator
1540.10	Member's Contribution and Service Credit
1540.20	Determination of Rate of Compensation
1540.30	Prior Service Credit
1540.40	Credit for Service for Which Contributions are Permitted
1540.50	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.60	Death Benefits
1540.70	Disability Claims
1540.80	Benefit Offset
1540.90	Birth Date Verification
1540.100	Marriage Verification
1540.110	Level Income Option
1540.120	Pension Credit for Unused Sick Leave
1540.130	Removal of Children from Care of Surviving Spouse
1540.140	Proof of Dependency
1540.150	Investigations of Benefit Recipients
1540.160	Interest on Member Contributions
1540.170	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.180	Lump Sum Salary Payments
1540.190	Removal From the Payroll
1540.200	Latest Date of Membership
1540.210	Period for Payment and Amount of Payment of Contributions
1540.220	Contributions By the State (Repealed)
1540.230	Actuarially Funded Basis (Repealed)
1540.240	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.250	Contributions and Service Credit During Nonwork Periods
1540.260	

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1540.270 Written Appeals and Hearings
 1540.280 Availability for Public Inspection (Recodified)
 1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
 1540.300 Organization of the State Employees' Retirement System (Recodified)
 1540.310 Amendments
 1540.320 Optional Forms of Benefits - Basis of Computation
 1540.330 Board Elections
 TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by of the Illinois Pension Code [40 ILCS 5/14-101].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective JUN 15 1996.

Section 1540.60 Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity

- a) Application
 Any member eligible to receive a refund of his contribution or a retirement annuity shall, if he so elects, make written request thereof at the Springfield Office of the System upon a form prescribed by the Board.
- b) Verification of Withdrawal From Service
 A request for any of the payments outlined in this Section shall not be considered until the Board shall have received a written notice from the Department in which the member was employed certifying to the

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- c) member's withdrawal from service and the effective date thereof.
 Withdrawal From Service - Period of Separation
 A member who terminates employment and then returns to State employment shall be eligible for a refund of contributions only if there is at least a fourteen day break in State employment as reflected on a payroll and the refund application is executed by the member prior to the date of reemployment. A member who is placed on "Temporary Layoff" as defined by rule of the Department of Central Management Services shall not be considered to have met the definition of "Withdrawal" as defined in the Act.

- d) Effect of Legal Action
 In the event a refund or a retirement annuity is paid and legal action results in the member being reinstated to his position with full restoration of all rights and privileges, he shall be permitted to reestablish his credit by repaying the amount of contributions refunded to him, without interest, if paid within 30 days from the date of notification by the System. If a member does not repay the amount of contributions refunded to him, without interest, within 30 days from the date of notification by the System, he may request to re-establish the service credit either in a lump sum or installment payments by direct payment or payroll deduction. The two-year minimum service requirement is waived for purposes of determining the period within which the member may commence payment of the refund. All other repayment terms and conditions will be the same as those contained in Section 1540.250. Payments to Establish Credit for Service for which Contributions are Permitted. If a retirement annuity has been initiated it shall be discontinued immediately and he shall repay the total amount of benefits received during the reinstated period.

(Source: Amended at 20 Ill. Reg. 8033, effective JUN 15 1996)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Child Sex Offender and Murderer Community
Notification Law

2) Code Citation: 20 Ill. Adm. Code 1282

3) Section Numbers: Adopted Action:

1282.10 New Section

1282.20 New Section

1282.30 New Section

4) Statutory Authority: Implementing the Child Sex Offender and Murderer Community Notification Law [730 ILCS 152] and authorized by Section 55a-3(a)8 of the Civil Administrative Code of Illinois [20 ILCS 2605/55a-3(a)8].

5) Effective Date of Rulemaking: June 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: May 31, 1996

9) Notice of Proposal Published in Illinois Register: March 8, 1996, 20 Ill. Reg. 4043

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

The Heading of the Part and all references to the Law have been changed to "Child Sex Offender and Murderer Community Notification Law".

In Section 1282.20(b), the definition of "Schools" has been changed to "Schools" means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school which has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education which are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools".

In Section 1282.20(b), "'Victim' means the individual subjected to the particular offense for which the perpetrator acquired the status of a Child Sex Offender. This term also includes the individual's parent or legal guardian." has been added following the definition "Sex Offender".

In Section 1282.30(c)(1), "and the victim's parent or legal guardian" has

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

been deleted following "The victim".

In Section 1282.30(c)(2), "individual" has been changed to "victim"; "full" has been added before "name"; and "or the full name, date of conviction and county of conviction of the Registered Child Sex Offender" has been added after "Offender".

In Section 1282.30(d)(2), "shall" following "Agencies" has been changed to "may" and ", date of birth" has been added after "address".

In Section 1282.30(d)(6), "Additional disclosures may be made at any time." was added after "notification".

In Section 1282.30(d), "7) Law enforcement agencies having jurisdiction can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Law and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Law and this Part." has been added.

In Section 1282.30(e)(1), language has been deleted and replaced with "The Department will provide a listing of all schools and child care facilities to Illinois law enforcement agencies for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes will be provided to agencies at least two weeks prior to the beginning of scheduled notifications."

In Section 1282.30(e)(2), "criminal justice" has been added before "agencies".

In Section 1282.30(f)(2), ", date of birth" has been added after "address".

In Section 1282.30(f)(3), language has been deleted and replaced with "Sex Offenders are required to register for 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility. If confined, Sex Offenders are required to register for 10 years after final parole, discharge or release from any such facility. Notification requirements with respect to a particular Child Sex Offender expire when that individual is no longer required to register."

In Section 1282.30(g)(1), ", date of birth" has been added after "address" and "or entity" has been added after "individual".

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

In Section 1282.30(g)(2), "date" has been changed to "dates" and "adjudication" has been changed to "adjudications".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. In addition, the agency has complied with the JCAR Statement of Recommendation in that clear statutory authority for the provisions of this rulemaking is now in place and legally enforceable and all modifications necessary to ensure consistency with the authorizing statute have been made.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: These adopted rules incorporate provisions of the Child Sex Offender and Murderer Community Notification Law which require police departments and sheriffs to provide the Department of Children and Family Services, licensed child care facilities and schools within their jurisdictions the names of registered child sex offenders and murderers. Victim notification procedures authorized under discretionary release of information are added.

- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1282

CHILD SEX OFFENDER AND MURDERER COMMUNITY NOTIFICATION LAW

SUBPART A: PROMULGATION

Section
1282.10 Purpose
1282.20 Definitions

SUBPART B: OPERATIONS

1282.30 Procedures

AUTHORITY: Implementing the Child Sex Offender and Murderer Community Notification Law [730 ILCS 152] and authorized by Section 55a-3(a)8 of the Civil Administrative Code of Illinois [20 ILCS 2605/55a-3(a)8].

SOURCE: Adopted at 20 Ill. Reg. 8037, effective

JUN 0 1996

SUBPART A: PROMULGATION

Section 1282.10 Purpose

The purpose of this Part is to provide requirements and procedures for providing the names, addresses and offenses of convicted child sex offenders to the community.

Section 1282.20 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Child Sex Offender and Murderer Community Notification Law.
- b) For purposes of these rules, the following definitions apply:
- "Child care facilities" has the meaning set forth in Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05], but does not include licensed foster homes. This term includes licensed child care facilities and child care facilities for which applications for license are being processed by the Department of Children and Family Services.

"Department" means the Illinois Department of State Police.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

"Jurisdiction" means law enforcement jurisdiction as described in the definition of "law enforcement agency having jurisdiction" in Section 105 of the Law.

"Law" means the Child Sex Offender and Murderer Community Notification Law [730 ILCS 152].

"Point of contact" means an individual identified by an agency or other entity as the person responsible for accepting and issuing communications relating to the implementation of this Part.

"Registered Child Sex Offender" means a Child Sex Offender, as defined in the Law, who has properly registered under the Sex Offender Registration Act [730 ILCS 150].

"Scheduled notifications" means the first two weeks of February, May, August and November.

"Schools" means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school which has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education which are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools.

"Sex offender" means the same as the definition found in Section 2(A) of the Sex Offender Registration Act [730 ILCS 150/2(A)].

"Victim" means the individual subjected to the particular offense for which the perpetrator acquired the status of a Child Sex Offender. This term also includes the individual's parent and legal guardian.

SUBPART B: OPERATIONS

Section 1282.30 Procedures

a) State Board of Education

- 1) The State Board of Education will provide to the Department an accurate listing of addresses and points of contact for all schools.
- 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
- 3) The State Board of Education will appoint a point of contact to coordinate notification activities with the Department.

b) Department of Children and Family Services

- 1) The Department of Children and Family Services will provide to the Department a listing of addresses and points of contact for

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- all child care facilities.
- 2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.
- 3) The Department of Children and Family Services will appoint a point of contact to coordinate notification activities with the Department.

c) Victim Notification

- 1) The victim may request automatic notification of the change of address of the associated Registered Child Sex Offender.
- 2) In order to obtain automatic notification, the victim must make a request in writing to the Department which must include the full name and date of birth of the Registered Child Sex Offender or the full name, date of conviction and county of conviction of the Registered Child Sex Offender.

d) Law Enforcement Agency Having Jurisdiction

- 1) Law enforcement agencies having jurisdiction will develop internal procedures and policies for implementing the provisions of the Law. Procedures will provide for the reasonable access to the information required to be provided under the Law.
- 2) Agencies may only provide the name, address, date of birth and offense of Registered Child Sex Offenders to persons other than a law enforcement officer or other individual as may be authorized by law.
- 3) A point of contact will be identified to serve as a liaison with schools and child care facilities. Agencies will provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions prior to June 1, 1996. Schools and child care facilities will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.
- 4) Agencies will establish a control log which records the release of child sex offender information. Requesters will be required to show identification to receive child sex offender information. At a minimum, the name, address and date of birth of the requester will be recorded on the log.
- 5) Agencies may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities, other government agencies or for discretionary release of information.
- 6) Disclosure to the Department of Children and Family Services, schools and child care facilities will be made during each scheduled notification. Additional disclosures may be made at any time.
- 7) Law enforcement agencies having jurisdiction can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

responsibilities under the Law and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Law and this Part.

e) Illinois State Police

1) The Department will provide a listing of all schools and child care facilities to Illinois law enforcement agencies for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.

2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to sex offenders.

3) The Department will confer with the State Board of Education and the Department of Children and Family Services concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic meetings will be scheduled to address issues and identify potential problems.

f) Requirements

1) Confidentiality

The release of information under the Law does not apply to persons whose victims were 18 years of age or older at the time of the offense. Information regarding offenders who are not subject to the Law shall not be open to public inspection or to any person other than a law enforcement officer or other individual authorized by law.

2) Child Sex Offender Information

Only the name, address, date of birth and offense of the Registered Child Sex Offender will be provided to all persons or entities receiving information from the registry pursuant to this Part.

3) Registration and Notification Period

Sex Offenders are required to register for 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility. If confined, Sex Offenders are required to register for 10 years after final parole, discharge or release from any such facility. Notification requirements with respect to a particular Child Sex Offender expire when that individual is no longer required to register.

4) Electronic Transmission of Information

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

Any of the Department's communications and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as those commonly described as the "Internet", may be used when technically feasible.

g) Public Access

1) Discretionary Access

The Department and any law enforcement agency having jurisdiction may provide the name, address, date of birth and offense or adjudication of any Registered Child Sex Offender to any individual or entity likely to encounter the offender.

2) Public Inspection

Any individual or entity shall, upon request to the local law enforcement agency having jurisdiction, be provided an opportunity by that agency to inspect a listing of all names, addresses, dates of birth and offenses or adjudications of Registered Child Sex Offenders registered with that agency.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Sex Offender Registration Act
- 2) Code Citation: 20 Ill. Adm. Code 1280
- 3) Section Numbers: Adopted Action:
 1280.10 Amendment
 1280.20 Amendment
 1280.30 Amendment
 1280.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

5) Effective Date of Rules: June 3, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 31, 1996

9) Notice of proposal published in Illinois Register: January 5, 1996, 20 Ill. Reg. 253

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: In Section 1280.20(b), "or a person who may be confined" has been changed to "or due to a person's status" in the definition "Place of Confinement".

In Section 1280.30(b)(2), the last sentence has been deleted.

In Section 1280.30(c), a new Subsection (2) has been added: "2) The agency of jurisdiction shall review the current criminal history record of the offender. The agency shall confirm the offender's duty to register and the offender's registration information and determine if the offender qualifies as a Child Sex Offender as defined by Section 105 of the Child Sex Offender Community Notification Law [730 ILCS 152/105]." Previous Subsection (2) has been renumbered to (3).

In Section 1280.30(c), Subsection (4) has been added: "4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation." Pages 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT(S)

responsible to ensure its individual compliance with the Act and this Part."

In Section 1280.40(a), "Reconfinement (due to violation of parole or other circumstances) which relates to the original conviction or adjudication shall extend the period of registration to ten years after final parole, discharge or release." has been added after "Act".

In Section 1280.40(d), the second sentence has been changed to "The form shall at a minimum include the sex offender's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction and intended address."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were indicated by JCAR.

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: These adopted amendments incorporate provisions of the amended Sex Offender Registration Act which include the addition of several qualifying offenses and include all sex offenders regardless of the victim's age. Includes addition of a Sex Offender Notification Form which provides positive notification and evidence thereof to convicted sex offenders regarding their responsibilities under the Act. Changes the manner in which records are submitted to the Department from a manual system to an automated system using the Law Enforcement Agencies Data System (LEADS), which closely follows existing law enforcement procedures.

16) Information and questions regarding this adopted rule shall be directed to:

Mr. James W. Redlich
 Chief Legal Counsel
 Illinois State Police
 102 Armory Building
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 217/782-7658

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1280

HABITUAI-CHIEF SEX OFFENDER REGISTRATION ACT

SUBPART A: PROMULGATION

Section

1280.10 Purpose
1280.20 Definitions

Section

1280.30 Procedures
1280.40 Requirements

SUBPART B: OPERATIONS

AUTHORITY: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 12 Ill. Reg. 8458, effective May 3, 1988; emergency amendments at 20 Ill. Reg. 640, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8045, effective JUN 03 1996.

SUBPART A: PROMULGATION

Section 1280.10 Purpose

The purpose of this Part is to provide requirements and procedures for the registration of habitual-chief sex offenders.

(Source: Amended at 20 Ill. Reg. 8045, effective JUN 03 1996.)

Section 1280.20 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Habitual-Chief Sex Offender Registration Act.
b) For purposes of these rules, the following definitions apply:

"Act": The Habitual-Chief Sex Offender Registration Act [730 ILCS 150] ~~and Rev-Stat-1986-Suppl-7-ch-30, par-221-et-seq.~~.

"Conviction": One or more convictions which result from or are connected with the same act, or result from offenses committed at the same time; such convictions shall be counted as one conviction.

"Department": The Illinois Department of State Police and any of its

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT(S)

subdivisions.

"Place of confinement": Any person, hospital or other institution or facility where a habitual-chief sex offender may be confined due to conviction for a sex offense or due to a person's status as a sexually dangerous person under the Sexually Dangerous Persons Act.

"Sex Offender Notification Form": Form designed by the Department to be used to notify the sex offender of the responsibility to register.

"Habitual-Chief Sex Offender Registration Act Form": Form designed by the Department of State Police to be used to satisfy the registration requirements of the Act.

(Source: Amended at 20 Ill. Reg. 8045, effective JUN 03 1996.)

SUBPART B: OPERATIONS

Section 1280.30 Procedures

a) Place of Confinement

- 1) A habitual-chief sex offender, prior to the release from a place of confinement, shall be notified informed by the place of confinement of the duty to register under the Act. The offender shall also be required to read and sign a completed Habitual-Chief Sex Offender Notification Registration Form.

- 2) The place of confinement shall give one copy of the completed Sex Offender Notification Form to the offender, keep the original for their record and shall send a two-copies-along-with photograph and--fingerprints of the offender to the Department. The Department shall send one copy to the law enforcement--agency having jurisdiction.

- 3) The Illinois Department of Corrections (IDOC) shall share with the Department electronic data files containing all sex offenders being released from IDOC facilities.

b) Court

- 1) The court shall ensure a A-habitual-chief sex offender, released on probation or discharged upon payment of a fine as a result of a conviction for a sex offense or an attempted sex offense, shall be informed by the court of the duty to register under the Act. The offender shall also be required to read and sign a completed Habitual-Chief Sex Offender Notification Registration Act Form.
2) The court shall ensure give one copy of the completed Sex Offender Notification Form is given to the offender and the original is maintained in the court file. shall send two-copies along-with--photograph--and--fingerprints of the offender to the Department. The Department shall send one copy to the law

DEPARTMENT OF STATE POLICE
NOTICE OF ADOPTED AMENDMENT(S)

~~enforcement agency having jurisdiction~~

- c) Agency of Jurisdiction
- 1) The agency of jurisdiction will complete the Sex Offender Registration Form; ensure the offender reads and signs the form; provide one copy of the form to the offender; keep the original signed copy until the requirement to register has expired, and, within three days, enter registration information in the Law Enforcement Agencies Data System (LEADS); and forward a copy of the offender's photograph to the Department.
 - 2) The agency of jurisdiction shall review the current criminal history record of the offender. The agency shall confirm the offender's duty to register and the offender's registration information and determine if the offender qualifies as a Child Sex Offender as defined by Section 105 of the Child Sex Offender Community Notification Law (CSOILS 15C-105).
 - 3) The agency of jurisdiction shall record contacts with convicted sex offenders into LEADS as an add-on record.
 - 4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Act and this Part.

d) Change of Address

A habitual-child sex offender, who changes residence address, shall within ten days after of the change so inform, in writing, the last law enforcement agency with whom registered. Within three days after of receiving notification, the law enforcement agency shall enter the notice of address change into LEADS send one copy of the completed Habitual-Child Sex Offender Registration Act Form to the Department and one copy to the law enforcement agency having jurisdiction of the new place of residence.

(Source: Amended at 20 Ill. Reg. 8045, effective JUN 11 2000)

Section 1280.40 Requirements

e. ~~enforcement agency~~

Any person required to register under the Act shall be required to register for a period of ten years after the conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of ten years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of ten years from the date of conviction or adjudication if not confined to a penal

DEPARTMENT OF STATE POLICE
NOTICE OF ADOPTED AMENDMENT(S)

institution, hospital or any other institution or facility, and if confined, at the expiration of ten years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of the Act. Reconfinement (due to violation of parole or other circumstances) which relates to the original conviction or adjudication shall extend the period of registration to ten years after full parole, discharge or release. An offender is required to register for a period of ten years after conviction or adjudication for a period of ten years after parole, discharge or release from any place of confinement. Liability for registration terminates at the expiration of ten years providing the offender does not during that period again become liable to register under the provisions of this Act.

b) Confidentiality

Any information required by the this Act shall not be open to public inspection or to any person other than a law enforcement officer or other individual authorized by law.

c) Habitual-Child Sex Offender Registration Act Form

The Habitual-Child Sex Offender Registration Act Form shall contain all the information necessary to comply with the requirements of these rules and shall also provide descriptive information such as height, weight and age, necessary to identify the person registering.

d) Sex Offender Notification Form

The Sex Offender Notification Form shall be used to notify the offender regarding responsibilities under the Act. The form shall at a minimum include the sex offender's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction and intended address. The form must be initialed and signed by the sex offender.

(Source: Amended at 20 Ill. Reg. 8045, effective JUN 11 2000)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers: Proposed Action:

3000.240	Amendment
3000.241	New
3000.242	New
3000.243	New

4) Statutory Authority: Riverboat Gambling Act, 230 ILCS 10

5) Effective Date of Amendment: June 3, 1996

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not Applicable

7) Date Filed in Agency's Principal Office: June 3, 1996

8) Reason for Emergency: The Illinois Gaming Board is authorized under Section 8 of the Riverboat Gambling Act [230 ILCS 10/8] to issue a suppliers license enabling the holder thereof to sell or lease gambling equipment and supplies without being in violation of Article 28 of the Criminal Code of 1961 [720 ILCS 5/28]. The Gaming Board finds that in light of recent proposed mergers and ownership changes of licensed suppliers, and the increasing frequencies of changes in the lists of products suppliers wish to sell or lease, that an emergency, as defined under Section 5-45 of the Illinois Administrative Procedure Act, exists that must be addressed through this emergency rulemaking in order to provide the strict regulation necessary to assure continuing integrity of riverboat gambling operations in Illinois.

9) A Complete Description of the Subjects and Issues Involved: These amendments are necessary to assure strict regulation of the suppliers of riverboat gambling operations in Illinois. The amendments provide that cases of bankruptcy, liquidation, reorganization, or substantial change in the ownership or control of a licensed supplier, or another event that significantly affects the character, reputation or financial integrity of a supplier or the quality of its product, may result in suspension, revocation or restriction of the supplier's license by the Gaming Board. The amendments require a supplier licensee to provide the Gaming Board with written notice of any changes to the list of gambling equipment and supplies the supplier is authorized to sell or lease, and establish a procedure for the Board's denial of such changes. The amendments specify the requirements for an initial one year supplier license and for subsequent renewal for a four year period subject to restrictions or conditions imposed by the Gaming Board.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

10) Are there any proposed amendments to this Part Pending? No

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these amendments shall be directed to:

Mareile B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
(312) 814-4700 FAX: (312) 814-4602

The full text of the emergency amendments begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE

CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000

RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job Applicants
3000.155	Investigatory Proceedings
3000.160	Owner's and Supplier's Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.230	Owner's Licenses
3000.231	Distributions
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
EMERGENCY	
3000.241	<u>Renewal of Supplier's License</u>
EMERGENCY	
3000.242	<u>Amendment to Supplier's Product List</u>
EMERGENCY	
3000.243	<u>Bankruptcy or Change in Ownership of Supplier</u>
EMERGENCY	
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

3000.280	Application for Registration for all Gaming Devices
3000.281	Transfer of Registration
3000.282	Seizure of Gaming Devices
3000.283	Analysis of Questioned Electronic Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL OR PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for License or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.605	Authorized Games
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

3000.625 Chip Specifications
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.635 Issuance and Use of Tokens for Gaming in Electronic Gaming Devices
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips
 3000.655 Destruction of Chips and Tokens
 3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Security and Board Surveillance Rooms Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Security Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commissioner
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual Audits and Other Reporting Requirements

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admission Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
 3000.1100 Coverage of Subpart
 3000.1105 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
 3000.1125 Answer
 3000.1126 Appointment of Hearing Officer
 3000.1130 Discovery
 3000.1135 Motions for Summary Disposition
 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days.

SUBPART B: LICENSES

Section 3000.240 Supplier's Licenses

EMERGENCY

a) Initial Licensing

1) Term of License. An initial Supplier's License issued by the Board shall be for a term of one year. After the expiration of the one year initial license, the licensee may apply for a renewal Supplier's License in accord with Section 3000.241.

2) Overview of Licensing Procedures. Applications for Supplier's

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

Licenses shall be subject to the following procedures prior to licensing:

- A) Application;
 - B) Investigation of the applicant;
 - C) Action of the Board; and
 - D) Different or additional licensing procedures as required of the applicant by the Board.
- b) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and the applicant's application.
- c) An applicant for a Supplier's license shall present to the Board in a public meeting the bases why it is suitable for licensing.
- c) In determining whether to grant such a license, the Board shall consider the character, reputation, financial integrity and experience of the applicant, its Key Persons and any person who controls, directly or indirectly, the applicant. In addition, the Board shall consider whether the aforementioned applicant and individuals' background, reputation and associations will result in adverse publicity for the State of Illinois and its Riverboat Gaming gaming industry. In addition, an applicant must demonstrate that it has sufficient competence to provide products or services for the supply of which it seeks licensing.
- d) An applicant must satisfy the Board by clear and convincing evidence that the applicant has met the requirements of Section 8 of the Act and Board Rules.

e) Action of the Board

- 1) If the Board finds the applicant suitable for licensing, it shall direct the Administrator to issue the applicant a Supplier's License upon payment of the applicant's license fee.
- 2) If the Board finds the applicant not suitable for licensing, it shall issue the applicant a Notice of Denial by certified mail or personal delivery.

f) Request for Hearing

- 1) An applicant who is served with a Notice of Denial may request a hearing in accord with Section 3000.405.
- 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's license application.

g) Reapplication for Denied License. If an applicant is denied a license, the applicant may not reapply for a license within one year from the date on which the Board voted to deny his application, without leave of the Board.

h) Requirements During Licensed Period

- 1) Annual Fee. The holder of a Supplier's License shall submit to the Board an annual license fee in accord with the requirements of Section 3000.210. The holder of a Supplier's License shall pay this annual fee upon initial licensing and every year during

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

a renewal licensing period, including restricted license renewal periods, for the duration of the license.

- 2) Annual Submissions to the Board
- A) The holder of a Supplier's License annually shall submit to the Board an affidavit attesting to or attaching the following information:

- i) Any and all past or pending disciplinary actions taken against the licensee in any other jurisdictions;
- ii) Any and all equipment, devices and supplies offered for sale or lease in connection with Games authorized under the Act and this Part;

- iii) Any and all fees received and the basis for the calculation of fees received;

- iv) The most recent year end financial statements, and the most recent Form 10K and 10Q filings with the Securities and Exchange Commission by the licensee and its parent company if they are publicly held corporations;

- v) An organizational chart of the licensee showing parent and subsidiary entities in relation to the licensee, including a separate listing of all Key Persons of the licensee;

- vi) A list of revenues derived from Illinois sales and/or leases during the previous licensing period, categorized according to date and owner licensee;

- vii) Disclosure of any past or pending material litigation;

- viii) Any specific plans for changes in the financing, ownership or organization of the licensee entity; and

- ix) An affidavit certifying the licensee is in compliance with required payment of all applicable federal and State taxes.

- B) The holder of a Supplier's License shall make such annual submissions to the Board upon initial licensing and every year during a renewal licensing period, including restricted license renewal periods.

(Source: Emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days)

Section 3000.241 Renewal of Supplier's LicenseEMERGENCYa) Renewal Requirements

Except as provided in subsection (d), upon the expiration of an initial Supplier's License issued pursuant to Section 3000.240, the license may be renewed subject to the provisions of the Act and this Section 3000.241 for a licensure period of four years. The renewal requirements shall include, but not be limited to, the following:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Every fourth year following the initial licensing, the licensee shall provide documentation of the following in lieu of a renewal application:

- A) A written statement requesting renewal of the Supplier's License;
 - B) A written statement verifying past compliance with the annual disclosure affidavit required under Section 3000.240(h)(2)(B);
 - C) Measures taken by the licensee to assure compliance with the Act and rules promulgated thereunder; and
 - D) Responses to specific questions or concerns raised by the Board in its relicensure investigation and review process.
- 2) In addition to the information submitted by the licensee pursuant to subsection (a)(1), Key Persons who have previously filed Personal Disclosure forms shall submit affidavits attesting to the veracity of all previously submitted materials and setting forth any information which is different from that which has been previously submitted.
- 3) Materials submitted pursuant to this Section shall be provided at least sixty days prior to the renewal date, and must be accompanied by the required annual licensing fee.
- 4) Nothing in this Section shall be interpreted to alter the duty to comply with the annual disclosure and fee requirements as set forth in Section 3000.240 or to disclose changes in information as set forth in Section 3000.140.

b) Board Decision

The Board shall base its renewal of a Supplier's License upon:

- 1) The timeliness and responsiveness of the information submitted by the licensee as required pursuant to this Section 3000.241;
- 2) The background, reputation, character and integrity of the Key Persons;
- 3) The licensee's continuing ability to maintain the quality of its products or services;
- 4) The overall adherence of the licensee to all requirements of the Act and the rules promulgated thereunder; and
- 5) Any other information the Board deems appropriate.

c) Term of Renewed Licenses

Unless otherwise restricted pursuant to subsection (d) of this Section, renewed licenses shall be issued for a term of four years.

d) Licenses Restricted on Renewal

- 1) Upon issuing a renewal license, the Board may restrict the term of or impose conditions upon a license.

2) A restricted license may be issued on renewal in the event the Board has concerns regarding:

- A) The nature or quality of a product provided by the licensee in Illinois;
- B) The business experience or background of the licensee's Key Persons;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

C) The business practices in Illinois and other jurisdictions of the licensee, its Key Persons or any person who directly or indirectly controls the licensee;

D) The licensee's reputation;

E) The licensee's failure to comply with the Act and this Part; 3) The term of a license restricted on renewal shall be for one year from the date of issuance.

4) If, at the conclusion of the one year period for licenses restricted on renewal, the Board deems that the licensee has addressed and rectified the Board's concerns, the Board may issue a four year renewal license.

5) Failure of the licensee to properly address and rectify the Board's concerns within a one year period may result in the issuance of another license restricted on renewal, the non-renewal of the license or disciplinary action authorized under Section 5 of the Act.

e) Action of the Board

- 1) The Board shall act at a public meeting on the renewal of a Supplier's License.
- 2) If the Board decides to deny license renewal, it shall direct the Administrator to issue a Notice of Denial to the Supplier licensee by certified mail or personal delivery.
- 3) If the Board decides to issue a restricted license on renewal, it shall direct the Administrator to issue a Notice of Restricted License by certified mail or personal delivery. Such Notice shall specify the reason(s) for a restricted license.

f) Request for Hearing

- 1) A supplier licensee served with a Notice of Denial may request a hearing in accordance with Section 3000.405.
- 2) A supplier licensee served with a Notice of Restricted License on Renewal may request a hearing in accordance with Section 3000.405.
- 3) If a hearing is not requested, the Notice of Denial or Notice of Restricted License on Renewal becomes the final order of the Board.

(Source: Emergency rule added at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days)

Section 3000.242 Amendment to Supplier's Product List

EMERGENCY

A holder of a Supplier's License shall provide written notice to the Board regarding proposed changes to be made to its list of equipment, devices and supplies offered for sale or lease to Riverboat Gaming Operations. Said changes may be made without leave of the Board unless the Administrator objects to the change within thirty days after receipt of notice, whereupon leave of the Board is required. If the Board denies the licensee's proposed change in

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

its list of equipment, devices, and supplies offered for sale or lease, the licensee may request a hearing in accord with Section 3000.405.

(Source: Emergency rule added at 20 Ill. Reg. _____, effective June 3, 1996, for a maximum of 150 days)

Section 3000.243 Bankruptcy or Change in Ownership of Supplier
EMERGENCY

The bankruptcy, liquidation, reorganization or substantial change in ownership or control of a holder of a Supplier's License or an event which significantly affects the character, reputation or financial integrity of the holder or the quality of its product, at any point in time, may cause the Board to suspend, restrict or revoke the license pursuant to Section 3000.110. The Board may restrict the license by assigning the licensee a restricted license as provided in Section 3000.241 or through such other restrictions as may be appropriate to the circumstances.

(Source: Emergency rule added at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3) Section Numbers: 150.220
Proposed Action: Amendment

4) Statutory Authority: 20 ILCS 2610/8 and 9

5) Effective Date of Amendment: June 4, 1996

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: This rule will expire at the end of the 150-day period.

7) Date Filed in Agency's Principal Office: May 31, 1996

8) Reason for Emergency: This amendment must be adopted prior to polygraph testing which will take place in the middle of July.

9) A Complete Description of the Subjects and Issues Involved: Polygraph testing on applicants has previously been done by the Illinois State Police. The Merit Board will now administer this testing along with the rest of the applicant selection process with the exception of the medical examination which is now being administered by the Illinois State Police.

10) Are there any proposed amendments to this Part Pending? No

11) Statement of Statewide Policy Objectives: Not Applicable

12) Information and questions regarding these amendments shall be directed to:

James E. Seiber, Executive Director
 3180 Adloff Lane, Suite 100
 Springfield, IL 62703
 (217) 786-6240

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10

Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210
150.220
150.230
150.240

Qualifications
Selection Procedures
EMERGENCY
Recertification
Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310
150.320

Ranks
Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410
150.420
150.430
150.440

Board Responsibilities
Eligibility
Procedures
Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510
150.520
150.530
150.540
150.550
150.560
150.565
150.570
150.575
150.580

Merit Board Jurisdiction
Discipline Afforded the Deputy Director
Notification to Suspended Officer
Petition for Review
Form and Content of Petition for Review
Filing Procedures
Procedure for Processing Petition for Review
Director's Review
Discipline Afforded the Director
Complaint Procedures

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

150.585 Scheduling the Hearing
150.590 Notification to Officer

SUBPART F: HEARINGS

Section
150.610
150.620
150.630
150.640
150.650
150.655
150.660
150.665
150.670
150.675
150.680
150.685

Board Docket
Hearing Officer
Pre-hearing Conferences
Motions
Subpoenas
Request for Witnesses or Documents
Evidence Depositions
Hearing Procedures
Continuances and Extensions of Time
Computation of Time
Decisions of the Board
Service and Form of Papers

APPENDIX A Vision Standards
APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 205, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989;

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF EMERGENCY AMENDMENT

amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; emergency expired March 27, 1993; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996.

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.220 Selection Procedures

EMERGENCY

a) Procedures shall consist of:

- 1) Application
- 2) Written Entrance Examination
- 3) Physical Ability Test
- 4) Oral Interview
- 5) Background Investigation
- 6) Psychological Screening
- 7) Polygraph Testing Medical-Examination

b) Preference shall be given to all persons who have honorably served in the Military or Naval Services of the United States.

(Source: Emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Alternative Loan Program
- 2) Code Citation: 23 Ill. Adm. Code 2721
- 3) Section Numbers: Emergency Action:

2721.10	New
2721.20	New
2721.30	New
2721.40	New
2721.50	New
2721.60	New
2721.70	New

4) Statutory Authority: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

5) Effective Date of Rules: June 1, 1996

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency rules will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: May 30, 1996

8) Reason for Emergency: Emergency action is needed in order to permit the timely performance of activities necessary to implement this program of student financial assistance, under which initial loans will be awarded in the summer of 1996. ISAC is unable to adopt rules implementing this new program of supplemental loans, through the regular rulemaking process, in sufficient time to make this form of financial assistance available to deserving Illinois residents for the 1996-97 academic year.

Public Act 89-0442, which was enacted last December, gave ISAC statutory authority to administer an alternative loan program to supplement existing sources of federal and State student financial assistance. ISAC has been working intensively to develop necessary policies, procedures and systems to support a pilot program of alternative loans to be available this summer. Following extensive work with institutions of higher education and obtaining the necessary approvals for the bond financings, ISAC has been able to structure a program which meets the needs of students and satisfies the requirements of entities involved in the funding of this program. This alternative loan program is funded primarily through the issuance of bonds in the taxable and tax-exempt capital markets, rather than with State appropriations. As a result, ISAC is now ready to proceed with the introduction of the pilot program.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

In the absence of emergency rules, ISAC will not be able to distribute application forms or disseminate program information to schools and prospective applicants until much later this year. ISAC's experience proves that it is imperative to provide information to Illinois students and their families early in the year so that they may make critical planning decisions related to careers, enrollment and higher education financing. Furthermore, later distribution of application materials could result in diminished awareness of financial opportunities, serious delays in the processing and awarding of educational loans, belated deliveries of alternative loan funds, and even a decrease in student enrollment. This could result in a financial hardship to deserving Illinois families. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5-45 of the Illinois Administrative Procedure Act.

9) A Complete Description of the Subjects and Issues Involved: These emergency rules govern the administration of the new Alternative Loan Program, which supplements existing State and federal student financial assistance programs. This rulemaking sets forth the eligibility criteria for borrowers and educational institutions, program procedures for disbursement and repayment, and the fees to be charged in connection with the making of these loans. ISAC intends to adopt permanent rules through the regular rulemaking process prior to the expiration of these emergency rules.

10) Are there any proposed amendments to the Part pending: No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Information and questions regarding these emergency rules shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

The full text of the emergency rules begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2721
ALTERNATIVE LOAN PROGRAM

Section	Summary and Purpose
2721.10	EMERGENCY
2721.20	Definitions
2721.30	Borrower Eligibility
2721.40	Institutional Eligibility
2721.50	Program Procedures
2721.60	Procedures for Disbursement and Repayment
2721.70	Fees
2721.80	EMERGENCY

AUTHORITY: Implementing Sections 5 and 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/5 and 80 through 175] and authorized by Sections 20(f) and 140(a) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 140(a)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8068, effective June 1, 1996, for a maximum of 150 days.

Section 2721.10 Summary and Purpose

EMERGENCY

- In order to make postsecondary educational opportunities more accessible for qualified students, ISAC offers a program of Alternative Loans to supplement existing federal and State student financial assistance programs.
- This Part establishes the rules which govern Alternative Loans made or administered by ISAC. Additional rules and definitions are contained in General Provisions, at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2721.20 Definitions

EMERGENCY

"Alternative Loan" - Any educational loan made or purchased by ISAC

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), or any other federal statute providing for federal insurance of educational loans to borrowers.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Holder" - An organization authorized by ISAC to purchase or retain possession of an educational loan(s). ISAC's Illinois Designated Account Purchase Program (IDAPP) may serve as a Holder.

"Lender" - An organization authorized by ISAC to originate an educational loan(s). ISAC's Illinois Designated Account Purchase Program (IDAPP) may serve as a Lender.

Section 2721.30 Borrower Eligibility**EMERGENCY**

- a) A borrower for an Alternative Loan must be a student, or a parent or legal guardian of such a student, who is:
 - 1) Enrolled, or accepted for enrollment, at an ISAC-approved Institution which has certified the Applicant as eligible for an Alternative Loan;
 - 2) Enrolled on at least a half-time basis, unless the student is employed full-time while s/he is in school, in which case s/he may receive a loan while Enrolled less than half-time;
 - 3) in good standing in accordance with the Institution's policy of Satisfactory Academic Progress; and
 - 4) a Citizen or Eligible Noncitizen of the United States.
 - b) The borrower, or Co-signer if applicable, must be determined to be credit-worthy. In determining credit-worthiness, the Lender shall consider information including, but not limited to, the following: debt-to-income ratio, payment histories, prior loan defaults, unsatisfied court judgments, real estate foreclosures, unsatisfied collection accounts, write-offs or repossessions.
- Section 2721.40 Institutional Eligibility**
- EMERGENCY**
- a) Institutions must have executed Program Participation Agreements with ED and with ISAC in order to participate in ISAC-administered Alternative Loan Programs.
 - b) Institutions must demonstrate administrative capability and financial responsibility, as defined by Federal Regulations (see, e.g., 34 CFR 668.15 and 668.16), in order to begin and to continue participation in ISAC-administered Alternative Loan Programs.
 - c) Eligible Institutions may not have federal cohort default rates,

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

calculated and announced by ED for the three most recent fiscal years, in excess of the rates annually established and publicized as acceptable by ISAC.

- d) Institutions shall be subject to the audit and investigation conditions outlined in General Provisions, at 23 Ill. Adm. Code 2700.60.
 - e) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original application for participation, or required by Federal Regulations, may be subject to administrative Limitation, Suspension or Termination Proceedings. (See 23 Ill. Adm. Code 2790.)
- Section 2721.50 Program Procedures**
- EMERGENCY**
- a) An applicant may apply for an Alternative Loan by submitting an Application and Promissory Note approved by ISAC.
 - b) The maximum loan amount may not exceed the cost of education for that student at the Institution, less any other student financial assistance received by the student for that loan period.
 - c) The Institution shall provide the Lender with a recommended loan amount for each loan. No Alternative Loan may exceed the Institution's recommended amount.
 - d) Institutions shall provide the Lender with the current enrollment status of students at that Institution who have received Alternative Loans.
- Section 2721.60 Procedures for Disbursement and Repayment**
- EMERGENCY**
- a) Prior to disbursement, the borrower, and Co-signer if applicable, shall execute a completed Application and Promissory Note for the loan.
 - b) The Lender or Holder shall retain a signed original of the Application and Promissory Note until the debt is paid in full.
 - c) Alternative Loan proceeds shall be transmitted directly to the Institution on behalf of the student. Disbursement may be in the form of an individual check, a master check representing the loan proceeds for more than one student at that Institution, or by electronic funds transfer.
 - d) An Institution may require all individual loan checks to be made co-payable to the borrower and the Institution.
 - e) The Institution shall supply the Lender with recommended disbursement date(s) and amount(s) for each loan.
 - f) Prior to initial disbursement of the loan, the Lender shall provide the borrower with a disclosure statement which itemizes the amount financed, the interest rate and any corresponding fees.
 - g) The terms and conditions set forth in the Application and Promissory

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- Note and the disclosure statement will constitute the entire agreement between the Lender and the borrower.
- h) The borrower(s) shall have the right to prepay all or part of an Alternative Loan at any time without penalty.
 - i) The Lender or Holder shall notify the borrower of the date on which repayment begins, and such notice shall be sent no later than 30 days before the first payment on the loan is due from the borrower.
 - j) No Alternative Loan shall be sold or transferred by a Lender except to an ISAC-approved lender or Holder, or to ISAC. Such sale shall not change the party to whom payment is made on the loan.

Section 721.70 Fees
EMERGENCY

- a) The Lender may charge the borrower an insurance premium on each Alternative Loan, and may deduct this amount from the loan proceeds at the time of disbursement. The amount of the insurance premium may vary according to the credit-worthiness of the borrower, and Co-signer if applicable, and will be disclosed in writing to the borrower prior to the initial disbursement of loan proceeds.
- b) The Lender may charge the borrower a repayment fee on each Alternative Loan. This fee may be assessed on the loan balance, according to the terms specified in the Application and Promissory Note. The amount of the repayment fee will be added to the outstanding balance of the loan.
- c) The Lender may charge the borrower a late fee of up to 5% of the loan balance (principal plus all capitalized interest and fees), if any part of an installment payment is not received by the Lender within 60 days after it becomes due. Additional late charges of up to 5% of the loan balance may be charged for each additional 30 day period if the borrower fails to make any part of an installment payment.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES1) Heading of the Part: Background Checks2) Code Citation: 89 Ill. Adm. Code 3853) Section Numbers: Action:

- 385.10 Amend
- 385.20 Amend
- 385.30 New Section
- 385.40 New Section
- 385.50 Renumber, Amend
- 385.70 Renumber, Amend
- 385.80 New Section
- 385.90 Renumber, Amend
- 385.100 Renumber, Amend
- 385. Appendix A New Section

4) Date Notice of Emergency Rules Published in the Register (if applicable): March 1, 1996; 20 Ill. Reg. 39305) Date JCAR State of Objection Published in the Register: April 5, 1996; 20 Ill. Reg. 57436) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules recommended that DCFS seek specific statutory authority to require background checks on purchase of service providers who have contact with children as part of their duties and to include certain drug offenses as a bar to licensure or employment in a child care facility.

The Department disagrees with the Joint Committee's position that the Department has no statutory authority in these instances. In Children and Family Services Act [20 ILCS 505/5(v)] and the State Police Act [20 ILCS 2605/55a(34)], the Department is allowed access to criminal history information as defined in the Illinois Uniform Conviction Act when "the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act." The statutory authority to check on a person's criminal background is the statutory power to do a background check.

Thus, since DCFS is mandated to provide safe and adequate services to its wards and others to whom it provides services, and since DCFS has the statutory authority to run criminal checks when it needs the information, DCFS has the statutory power to do background checks on purchase of service providers, not otherwise licensed by DCFS, who have access to children.

DCFS is responsible for providing child welfare and child protective services to abused, neglected, and dependent children, for protecting and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

promoting their welfare, and for assuring adequate care of children away from their homes. When the Department provides these services through a purchase of service contract, the Department has a duty to ensure that the provider is of a suitable character to have access to children who have suffered abuse, neglect, or deprivation. Most purchase of service providers are licensed by the Department and thus, have been subject to a background check to determine their suitability to provide services.

The Department is primarily concerned with the large class of providers who are not licensed by either DCFS or the Department of Professional Regulation and whose duties require that they be alone with children. The duties of homemakers, emergency caretakers, visitation supervisors, and transportation aides often require that they be alone with children outside the physical supervision of DCFS or private agency staff. The Department's duty to insure the safety of children in its care is found in the definition and purposes of "child welfare services" from the Children and Family Services Act. The CFS Act defines child welfare services (in part) as the following:

"Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

- (A) protecting and promoting the welfare of children, including homeless, dependent or neglected children;*
- (F) assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.*

The Department is protecting and promoting the welfare of children and assuring adequate care of children when it requires unlicensed providers who are alone with children outside the physical supervision of DCFS or private agency staff to undergo a criminal history background check.

The Department's rationale for including specified drug crimes in the list of crimes which serve as a bar to licensure or employment is based upon similar reasoning. In addition, the Child Care Act of 1969 [225 ILCS 10/7(a)(2)] requires that DCFS prescribe and publish minimum standards for licensing which include regulations pertaining to:

- (2) The character, suitability and qualifications of the applicants and other persons directly responsible for the care and welfare of children served.*

The Department maintains that it is within its statutory authority in promulgating the requirements for background checks on purchase of service providers and including serious drug crimes as a bar to licensure or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

employment in a child care facility. Both requirements provide reasonable protection to children and, as such, are authorized under the Child Care Act and the CFS Act.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the First Quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturing Machinery & Equipment
Agricultural Producers and Products	Medical Appliances
Assessments	Miscellaneous
Automobile Renting Tax	Motor Fuel Tax
Bingo	Motor Vehicles
Books and Records	Newsprint & Ink
Bulk Sales	Nexus
C.O.A.D.	Nonprofit Institutions
Certificate of Registration	Occasional Sale
Charitable Games	Oil Field Equipment
Cigarette Tax	Penalties
Claims for Credit	Pollution Control Facilities
Coal Fueled Devices	Prepaid Sales Tax
Coal Mining Equipment	Products of Photoprocessing
Coins & Precious Metals	Property Tax

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Computer Software	Public Utility Taxes
Construction Contractors	Real Estate Transfer Tax
Cooperative Associations	Repairs
Delivery Charges	Replacement Vehicle Tax
Distillation Machinery	Request for Information
Drug Tax Stamps	Returns
Drugs	Rolling Stock Exemption
Enterprise Zones	Sale at Retail
Exempt Organizations	Sale for Resale
Farm Machinery & Equipment	Sale of Service
Federal Excise Tax	Service Occupation Tax
Financial Institutions	Signature
Food	Special Order
Food, Drugs & Medical Appliances	Statute of Limitations
Governmental Bodies	Tax Collection
Graphic Arts	Tax Increment Financing
Gross Receipts	Tax Rate
Hotel Operators' Tax	Telecommunications Excise Tax
Interest	Temporary Storage
Interstate Commerce	Tire User Fee
Itinerant Vendors	Trade-Ins
Invested Capital Tax	Use Tax
Leasing	Vehicle Use Tax
Liquor Tax	Vendors
Local Taxes	
Mandatory Service Charges	
Manufacturer's Purchase Credit	
Manufacturers	

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

AGENTS

96-0009 01/11/1996 Sales agents who act for non-disclosed principals incur a Retailers' Occupation Tax liability on gross receipts from sales. See 86 Ill. Adm. Code 130.1915. (This is a PLR.)

BINGO

96-0111 03/06/1996 Department regulations provide that a person or organization holding a provider's license may charge as rent an amount not exceeding the reasonable, allowable expenses incurred during the license year in providing the premises for the conducting of bingo. See 86 Ill. Adm. Code 430.140. (This is a GIL.)

CERTIFICATE OF REGISTRATION

96-0080 02/26/1996 Section 2a of the Retailers' Occupation Tax Act, 35 ILCS 120/2a (1994 State Bar Edition), makes it unlawful for any person to engage in the business of selling tangible personal property at retail in Illinois without first obtaining a certificate of registration from the Illinois Department of Revenue. However, if the selling would be considered an isolated or occasional sale of no longer wanted used personal property, such a sale would not be subject to the Act. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

96-0131
\$1.75

03/11/1996 The requirement that Form NUC-1, Illinois Business Registration, be signed by an individual who will be responsible for filing returns and payment of taxes due (Question 14 of Section 2) stems from Section 2a of the Retailers' Occupation Tax Act. The provision ensures that the Department be able to identify those persons who are responsible for filing returns and paying taxes. By signing Form NUC-1, these persons do not become personal guarantors of a corporation's tax liability under all circumstances. It is only if those persons are found to have willfully failed to file returns or pay taxes that they can be held personally liable for amounts equal to the tax plus penalties and interest. (This is a GIL.)

96-0146
\$1.50

03/22/1996 Illinois retailers making retail sales at Illinois swapmeets, flea markets, or as transient vendors must register with the Department and file monthly sales tax returns. However, if the selling would be considered an isolated or occasional sale of no longer wanted used personal property, such a sale would not be subject to tax. (This is a GIL.)

CHARITABLE GAMES

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

96-0055 02/05/1996 The Department has no jurisdiction to regulate lottery games. (This is a GIL.)

CLAIMS FOR CREDIT

96-0154 03/29/1996 This letter describes the calculation for determining the proper amount of credit for a repossession of titled or registered property reported on a transaction reporting return. See 86 Ill. Adm. Code 130.1960. (This is a GIL.)

COIN OPERATED AMUSEMENT DEVICES

96-0038 01/29/1996 Persons engaged in the operation of redemption machine games do not incur Retailers' Occupation Tax liability on the gross receipts from the operation of those games, but do incur Use Tax on the purchase price of the tangible personal property that the operator provides as prizes for the games. See 86 Ill. Adm. Code 130.1975. (This is a GIL.)

COMPUTER SOFTWARE

96-0052 02/01/1996 The sale at retail of canned software is taxable. Updates of canned software are considered to be sales of software and are also subject to tax. Custom computer programs prepared to the special order of the customer are not subject to tax. Modification of an existing prewritten program to meet the customer's needs is a sale of custom software while modified software held for general or repeated sale or lease, is a sale of canned software. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

96-0067 02/15/1996 This letter answers questions regarding the taxation of various services provided by a computer systems solutions company. (This is a GIL.)

96-0123 03/11/1996 Responds to a questionnaire involving the sale of computer hardware, software, and support services. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

96-0127 03/11/1996 If a transaction for the licensing of computer software meets all of the criteria provided in part (a)(1) of 86 Ill. Adm. Code 130.1935, neither the transfer of the software nor the subsequent software updates will be subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

96-0145 03/18/1996 Sellers of maintenance agreements for software must pay Use Tax on the cost price of the materials transferred incident to completion of the maintenance agreement. However, if

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

NOTICE OF PUBLIC INFORMATION

the maintenance agreement provides for updates of canned software, and those upgrades are not separately stated and taxed, the entire maintenance agreement is taxable as a sale of canned software. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

building materials were purchased from a retailer located in the jurisdiction that created the enterprise zone into which the building materials will be incorporated. It is critical that a clear paper trail exists showing that a buyer purchased the materials from a qualified retailer. See 86 Ill. Adm. Code 130.1940 and 130.1951. (This is a GIL.)

CONSTRUCTION CONTRACTORS

96-0064 02/15/1996 Construction contractors that make improvements to real estate by taking building materials off the market and permanently affixing them to real estate do not incur Retailers' Occupation Tax liability, but owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

96-0092 \$1.50

02/26/1996 This letter discusses the enterprise zone building materials sales tax exemption that allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1405 and 130.1951. (This is a GIL.)

96-0129 03/11/1996 Construction contractors are deemed to be the end users of the building materials that they take off the market and permanently affix to real estate. As a result, these contractors incur a Use Tax liability on their cost price of those materials. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

96-0103 \$1.25

03/04/1996 The enterprise zone exemption applies to qualifying building materials purchased from a retailer located in the jurisdiction that created the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

96-0138 03/13/1996 If a construction contractor permanently affixes tangible personal property into real estate owned by an exclusively charitable, educational, or religious organization or governmental body that has a valid exemption identification number ("E" number) issued by the Department, the contractor may purchase that tangible personal property tax-free. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

96-0115 \$1.25

03/08/1996 Storm and sanitary sewers, water lines, gas lines and lighting, concrete for curbs and gutters and asphalt for parking lots will qualify for the exemption as long as the materials are purchased from a retailer located in the jurisdiction that created the enterprise zone into which the materials will be incorporated and the items are permanently affixed to real estate. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

DELIVERY CHARGES

FARM MACHINERY & EQUIPMENT

96-0012 01/12/1996 Whether transportation and delivery charges may be deducted by a retailer in determining the retailer's Retailers' Occupation Tax liability depends not upon the separate billing of transportation and delivery or freight charges but whether the transportation and delivery or freight are included in the selling price of the property or are agreed to separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

96-0023 \$1.25

01/19/1996 Exemption certificates under the farm machinery and equipment exemption must include the seller's name and address, the purchaser's name and address, and a statement that the property purchased will be used primarily in production agriculture or in State or federal agricultural programs. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

ENTERPRISE ZONES

96-0051 01/31/1996 This letter discusses several issues related to the State Utility Tax exemption for certified businesses in enterprise zones including the State Utility Tax exemption that covers sales of gas and electric. (This is a GIL.)

96-0034 \$1.25

01/24/1996 ATVs do not qualify for the farm machinery and equipment exemption. ATVs are considered vehicles that are primarily recreational in nature. In addition, moving farm personnel from place-to-place on a farm does not constitute production agriculture. (This is a GIL.)

96-0057 02/06/1996 In order for the enterprise zone building materials exemption to be claimed, it must be shown that qualifying

96-0036 \$1.25

01/26/1996 Retailers' Occupation Tax and Use Tax do not apply to farm machinery and equipment that is used primarily (over 50% of the time) in production agriculture. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 96-0042 01/29/1996 Retailers' Occupation Tax and Use Tax do not apply to farm machinery and equipment that is used primarily (over 50% of the time) in production agriculture. See 86 Ill. Adm. Code 130.305. (This is a GIL.)
- 96-0082 02/26/1996 The farm machinery and equipment exemption applies to machinery and equipment used in "production agriculture," which is limited to activities necessary in tilling the soil, planting, and cultivating. It does not include activities such as the clearing of land, mowing of fence rows, creation of ponds or drainage facilities. Therefore, drainage equipment is not exempt from tax under the farm machinery and equipment exemption. (This is a GIL.)
- 96-0090 02/26/1996 Mowers that are used primarily (over 50% of the time) to mow set aside land under a State or Federal agricultural program can qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL.)
- 96-0108 03/06/1996 This letter rescinds the portion of Sunshine Letter 95-0269 that stated that the Department understood the John Deere Gator Utility Vehicle to be an ATV. (This is a GIL.)
- FOOD
- 96-0029 01/22/1996 Public Act 89-420, effective June 1, 1996, provides that the low rate of tax applies to all food sold through a vending machine, except soft drinks and food products that are dispensed hot from a vending machine, regardless of the location of the vending machine. The Department will be incorporating the provisions of Public Act 89-420 into 86 Ill. Adm. Code 130.310 in the near future. (This is a GIL.)
- 96-0044 01/29/1996 Xxxx acts as a retailer when it makes retail sales of sandwiches and beverages to its customers. (This is a GIL.)
- 96-0099 02/26/1996 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. This letter describes what criteria the Department reviews in making that determination. See 86 Ill. Adm. Code 130.310. (This is a GIL.)
- 96-0124 03/11/1996 A coffee service that sells prepackaged, unprepared, unbrewed coffee to its customers incurs tax on the coffee at the rate of 1%. See 86 Ill. Adm. Code 130.310 (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 96-0028 01/19/1996 If vitamins purport on the label to have medicinal qualities and are intended for human use, they are considered to be a drug and are taxable at the low rate of 1% plus any applicable local taxes. If, however, no such medicinal claims are made on the label, the vitamins are considered to be a food and may be taxed at either the high or low rate depending upon the nature of the establishment selling the vitamins. (This is a GIL.)
- 96-0126 03/11/1996 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)
- GOVERNMENTAL BODIES
- 96-0075 02/23/1996 This letter discusses procedures used by foreign missions and their personnel to obtain exemption from Illinois Property and Sales Taxes prior to 1970. (This is a GIL.)
- 96-0107 03/06/1996 This letter discusses Retailers' Occupation Tax regulation 86 Ill. Adm. Code 130.2085 covering sales to or by Banks, Savings and Loan Associations and Credit Unions, as applied to Federal credit unions. (This is a GIL.)
- GRAPHIC ARTS
- 96-0066 02/15/1996 Computer controlled ink jet plotters, ink jet printers, and laser printers do not fall within the definition of graphic arts production machinery and equipment that qualifies for the Graphic Arts Machinery and Equipment Exemption. See 86 Ill. Adm. Code 130.325. (This is a GIL.)
- 96-0089 02/26/1996 Printing equipment, such as printing presses, mechanical cutters, and mechanical punches, that are used primarily in graphic arts production qualify for the graphic arts exemption. See 86 Ill. Adm. Code 130.325. (This is a GIL.)
- 96-0095 02/26/1996 The Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts therefor, both new and used and including that manufactured on special order to be used primarily in graphic arts production. "Graphic arts production" means printing by one or more of the common processes or graphic arts production services as those processes and services are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

96-0132 \$1.50 03/13/1996 This letter discusses application of the regulations for the Graphic Arts Machinery and Equipment Exemption (86 Ill. Adm. Code 130.325) and for Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers (86 Ill. Adm. Code 130.2000). (This is a GIL.)

GROSS RECEIPTS

96-0020 \$1.00 01/16/1996 When a taxpayer files on the gross sales basis, it can take a deduction for bad debts. However, this deduction cannot be taken until the month that the bad debt is written off the books for Federal income tax purposes. See 86 Ill. Adm. Code 130.401. (This is a GIL.)

96-0072 \$1.50 02/21/1996 When the seller and the buyer agree upon any special service charges separate from the selling price of the tangible personal property that is being sold, then the gross receipts for such special service charges are not part of the selling price of the tangible personal property. See 86 Ill. Adm. Code 450. (This is a GIL.)

96-0128 \$1.25 03/11/1996 Federal tax and Illinois LUST Tax are not deductible from gross receipts subject to Retailers' Occupation Tax on the sale of diesel fuel. See 86 Ill. Adm. Code 130.435 and 130.445. (This is a GIL.)

96-0130 \$1.00 03/11/1996 When a retailer sells a cellular phone to a customer for a particular dollar amount, the retailer has made a sale subject to the Retailers' Occupation Tax Act and the tax is measured by the gross receipts, or actual amount received, from the sale of the cellular phone. (This is a GIL.)

96-0156 \$1.25 03/21/1996 The seller's costs of doing business are never deductible from gross receipts subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

HOTEL OPERATORS' TAX

96-0039 \$1.25 01/29/1996 This letter describes the limited exemptions for the Hotel Operators' Occupation Tax Act. See 86 Ill. Adm. Code 480. 101. (This is a GIL.)

96-0098 \$1.00 02/28/1996 In-room movies constitute a service accompanying the use and possession of a hotel room. Consequently, if in-room movies are provided to guests by a hotel operator, then Hotel Operators' Occupation Tax liability is incurred on the hotel operators' gross receipts from in-room movies. However, if in-room movies are provided directly to hotel guests by someone

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

other than the hotel operator, then that person's receipts from providing the in-room movies are not subject to Hotel Operators' Occupation Tax liability.

LEASING

96-0030 \$1.75 01/22/1996 This letter answers questions concerning vehicle leasing such as leases to tax-exempt organizations and interstate carriers for hire. This letter also discusses lessors acting as retailers of vehicles and the Automobile Renting Occupation and Use Tax. See 86 Ill. Adm. Code 130.220, 130.340 and 180.101 et seq. (This is a GIL.)

96-0046 \$1.25 01/29/1996 Lease agreements that contain a purchase option that is equal to the fair market value of the tangible personal property at the end of the lease term are considered true leases. Accordingly, the lessor owes Use Tax on his or her cost price of the property. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

96-0069 \$1.50 02/21/1996 Section 10 of the Use Tax Act, 35 ILCS 105/10 (1994 State Bar Edition), provides that a purchaser of a motor vehicle from an out-of-State retailer shall file a return (Form RUT-25, Motor Vehicle Use Tax Return) with the Department and remit the proper amount of tax due within 30 days after such motor vehicle is brought into this State for use. In a true lease of a vehicle, Use Tax is properly due by the lessor when it purchased the vehicle for leasing purposes. The lessee does not incur Use Tax liability in a true lease situation. (This is a GIL.)

96-0074 \$3.50 02/22/1996 This letter answers various questions concerning leasing. Specifically, the differences between true leases and conditional sales. This letter also addresses the graphic arts machinery and equipment exemption and Certificates of Resale. See 86 Ill. Adm. Code 130.110, 130.220, 130.325, 130.330, 130.1405, 130.2010, 140.301 and 150.310. (This is a GIL.)

96-0110 \$1.50 03/06/1996 A conditional sale is usually characterized by a nominal purchase option at the end of the lease term. In such a situation, the lessor incurs Retailers' Occupation Tax on the gross receipts from the sale. Installation charges are properly included in the gross receipts subject to Retailers' Occupation Tax unless a separate agreement is shown for these charges.

Interest and finance charges are not considered part of the gross receipts from sale. See 86 Ill. Adm. Code 130.420, 130.450 and 130.2010. (This is a GIL.)

96-0149 03/27/1996 Except for automobiles leased for a period of one

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

\$1.50 year or less, the lessor of tangible personal property in Illinois is considered to be the end user of the property to be leased, and the lessor incurs Use Tax on the lessor's cost price of the property. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

LOCAL TAXES

96-0041 01/29/1996 Retailers incur local taxes when a retailer makes retail sales in a municipality, county, or other jurisdiction that imposes local taxes. The Department considers a retail sale to occur in the location where the purchase order is accepted by the retailer. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

96-0088 02/26/1996 A retailer incurs local Retailers' Occupation Tax \$1.25 applicable to the location where purchase orders are accepted. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

96-0104 03/04/1996 In addition to the exemption from sales tax for manufacturing machinery and equipment, the State of Illinois provides a manufacturer's purchase credit (MPC) on the purchase of tangible personal property that qualifies for the manufacturing machinery and equipment exemption. See 35 ILCS 105/3-85. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

96-0043 01/29/1996 Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. Machinery and equipment, such as a hogger/shredder which is used to shred scrap paper and ready it for baling, can qualify for the manufacturing machinery and equipment exemption so long as the bales of shredded paper are the subject of wholesale or retail sales. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0047 01/30/1996 Machinery and equipment that is used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease are exempt from Retailers' Occupation Tax. (This is a GIL.)

96-0054 02/02/1996 Nitrogen gas cannot qualify for the manufacturing machinery and equipment exemption. The exemption is limited to machinery and equipment. Gases are not machinery and they are not equipment. Gases are not a device and they are not a tool.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Gases are a consumable supply. Although a gas may be essential to a manufacturing process, it does not constitute machinery and equipment. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0073 02/21/1996 This letter describes the tax exemptions available for manufacturing machinery and equipment. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0106 03/06/1996 High heat resistant aluminum paint to be applied to equipment at the end user's industrial plant does not qualify for the Manufacturing Machinery and Equipment exemption from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0118 03/08/1996 Machinery and equipment may qualify for the manufacturing machinery & equipment exemption where it is used to inspect, test, or measure the tangible personal property to be sold where such function is an integral part of the production flow. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0147 03/25/1996 Machinery and equipment may qualify for the manufacturing machinery & equipment exemption where it is used to inspect, test, or measure the tangible personal property to be sold where such function is an integral part of the production flow. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

96-0150 03/28/1996 Machinery and equipment that is used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

96-0003 01/02/1996 A blood cell separator does not qualify for the low rate of tax because it does not directly substitute for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0013 01/12/1996 Generally speaking, catheters and shunts which directly substitute for a malfunctioning part of the body will qualify for the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0017 01/12/1996 The sale of medical appliances in Illinois is not exempt from tax. Those products that qualify as medical appliances are taxed at the low rate of 1% plus applicable local taxes. Those that do not qualify for the low rate are taxed at the rate of 6.25% plus applicable local taxes. The XXXXX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

medical device does not qualify for the low rate of tax because the device does not directly substitute for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310 (This is a GIL.)

96-0026

\$1.00 01/19/1996 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0031

\$1.25 01/23/1996 Those products that qualify as medical appliances are taxed at the low rate of 1% plus applicable local taxes. Those that do not qualify for the low rate are taxed at the rate of 6.25% plus applicable local taxes. The definition of medical appliance is "an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body." Oxygen does not automatically qualify for the low rate of tax. The use that the oxygen is put to will determine whether its purchase is subject to the low rate or the standard rate. Oxygen that is used by persons for breathing disabilities is subject to the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0032

\$1.25 01/23/1996 Gastrostomy tubes and tracheal tubes can qualify as medical appliances subject to tax at the low rate. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0033

\$1.25 01/23/1996 A medical appliance is taxed at the low rate of 1% plus applicable local taxes. The definition of medical appliance is "an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body." Bone screws that are affixed to a patient's bone or are otherwise used to assist in mending the bone, whether they are installed permanently or are removed at a later time, can qualify as medical appliances subject to the low rate of tax. Suture washers that are used in conjunction with the XXXXX bone screws can also qualify as medical appliances subject to the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0060

\$2.75 02/06/1996 The sale of medical appliances in Illinois is not exempt from tax. The sale of medical appliances enjoys a preferential low rate of tax. The definition of a medical appliance includes those items which are intended by the manufacturer for use in directly substituting for a malfunctioning part of the body. Examples of qualifying items include crutches, wheelchairs, heart pacemakers and artificial limbs. Items such as eyeglasses also qualify for the low rate. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

96-0086 02/26/1996 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0091

\$1.25 02/26/1996 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. Monitoring devices that are used for diagnostic or treatment purposes, whether sold pursuant to a physician's prescription or not, do not qualify for the lower tax rate. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0117

\$1.25 03/08/1996 Those products that qualify as food, medicines and medical appliances are taxed at the low rate of 1% plus applicable local taxes. Those that do not qualify for the low rate are taxed at the rate of 6.25% plus applicable local taxes. Vaccines are considered to be medicines and the low rate of tax applies to their sales. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

96-0142

\$1.25 03/13/1996 Lift and transfer equipment used for moving persons with various physical disabilities does not qualify for the low rate of tax afforded medical appliances. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

96-0007

\$1.50 01/08/1996 Sales of stock mailing lists are subject to Retailers' Occupation Tax liability. Sales of special order mailing lists are subject to Service Occupation Tax liability. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

96-0035

\$1.00 01/24/1996 Section 140/7(1)(b) of the Illinois Freedom of Information Act exempts from inspection and copying "information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." "Information exempted under this subsection" includes "(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute." Information concerning an individual's request for a refund of the taxes paid on motor fuel cannot be disclosed because this information is in connection with the collection of the motor fuel tax. (This is a GIL.)

96-0053

\$1.25 02/02/1996 A large wholesaler can enter into an "agency agreement" with the Department, whereby it registers, files returns and remits Retailers' Occupation Tax on behalf of local

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

retailers selling its products. Under this type of agreement, the wholesaler sells products to local retailers and collects tax from those retailers based upon the selling price to the ultimate consumer. See 86 Ill. Adm. Code 130.550. (This is a GIL.)

96-0059 \$1.00 02/06/1996 Review of general statement of current law concerning coal mining for a coal mining publication. (This is a GIL.)

96-0061 \$1.25 02/13/1996 "Hostess dollars" applied to purchases of tangible personal property are subject to sales tax. (This is a GIL.)

96-0063 \$1.00 02/14/1996 Retailers are required to show the tax as a separate item on invoices issued to customers. See 86 Ill. Adm. Code 150.601. (This is a GIL.)

96-0070 \$1.75 02/21/1996 Membership fees, which do not correspond to the sale of tangible personal property, are intangibles, and do not constitute gross receipts subject to Retailers' Occupation Tax. However, if an organization makes specific charges for non-customized publications, these charges are subject to Retailers' Occupation Tax, unless the publication qualifies as a periodical. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

96-0081 \$1.75 02/26/1996 Answers a number of questions concerning the taxability of delivery charges (see 86 Ill. Adm. Code 130.415), leases (see 86 Ill. Adm. Code 130.220 and 130.2010), and newspapers and magazines (see 86 Ill. Adm. Code 130.2105). (This is a GIL.)

96-0139 \$1.75 03/13/1996 This letter provides information concerning maintenance contracts, amended sales tax returns and a variety of exemptions from sales tax. See 86 Ill. Adm. Code 130.1405, 130.1501, 130.2005, 130.2080 and 140.301. (This is a GIL.)

96-0143 \$1.25 03/13/1996 Form IDR-885, Notice of Missing Information, is mailed to a taxpayer in response to a review by the Department of the taxpayer's account because a return was not signed, supporting schedules were not attached to the return, or the return was not completed properly. (This is a GIL.)

96-0144 \$1.25 03/13/1996 Taxpayers should keep copies of sales tax returns and supporting documentation for at least a period equal to the time period that the Department may issue a Notice of Tax Liability. See 86 Ill. Adm. Code 130.815. (This is a GIL.)

96-0148 \$1.00 03/25/1996 While the Retailers' Occupation Tax Act does not apply to any receipts from sales made by the United States Government, or instrumentalities thereof, concessionaires and

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

other retailers having places of business located on Federal areas are subject to the Act. (This is a GIL.)

MOTOR FUEL TAX

96-0050 \$1.25 01/31/1996 Municipal corporations owning and operating a local transportation system for public service in Illinois are exempt from the Motor Fuel Tax. Holders of tax exemption identification numbers are not exempt from the Motor Fuel Tax unless they fall within the above exception. See 86 Ill. Adm. Code 500.210. (This is a GIL.)

96-0068 \$1.25 02/16/1996 Section 2a of the Motor Fuel Tax Law provides that receivers are not taxable on the importation or receipt of aviation fuels and kerosene at airports with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants, for sale to or use by holders of certificates of public convenience and necessity or foreign air carrier permits, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at a qualifying airport. (This is a GIL.)

MOTOR VEHICLES

96-0056 \$1.25 02/05/1996 If the value of a traded-in vehicle or vehicles exceeds the purchase price of a new vehicle, no sales tax is incurred on the purchase of the new vehicle. See 86 Ill. Adm. Code 130.425. (This is a GIL.)

NEWSPRINT & INK

96-0005 \$1.50 01/08/1996 Sellers of books incur Retailers' Occupation Tax liability when they sell books to purchasers for use or consumption and not for resale. Sales of newspapers and magazines are not subject to tax. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

96-0071 \$1.25 02/21/1996 Sellers of books, sheet music, and phonograph records incur Retailers' Occupation Tax liability when they sell those items to purchasers for use or consumption and not for resale. Sales of newspapers and magazines are not subject to tax. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

NEXUS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 96-0076 02/23/1996 The presence, in Illinois, of individuals who demonstrate an out-of-state mail order company's product and maintain a tear-off sheet advertising display for an out-of-state mail order company, is enough to satisfy Quill's physical presence requirement. (This is a GIL.)
- 96-0100 03/04/1996 An out-of-state retailer maintaining a place of business in this State is required to register with the State as an Illinois Use Tax collector. (This is a GIL.)

- 96-0125 03/11/1996 A retailer maintaining a place of business in Illinois includes a retailer having or maintaining within this State any agent or other representative operating within this State under the authority of the retailer. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

OIL FIELD EQUIPMENT

- 96-0010 01/12/1996 Oil Field Exploration, Drilling and Production Equipment, which costs \$250.00 or more, must be used "primarily" in oil field (or natural gas) exploration, drilling and production in order to qualify for exemption from sales tax. The certificates of use must be executed by the purchaser at the time of purchase. The certificate must contain the information presented in subpart (d) 86 Ill. Adm. Code 130.345. (This is a GIL.)

POLLUTION CONTROL FACILITIES

- 96-0004 01/31/1996 Certain items used for the purpose of asbestos abatement as part of an asbestos abatement system can qualify for the pollution control system. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0014 01/12/1996 A vacuum truck, pump and tank sold together as one unit does not qualify as a system or method of pollution control within the meaning of the Department's regulation because pollution control is not the unit's primary use and the unit does not reduce or eliminate pollution. Rather, the unit is primarily used for economic benefit since grease is removed and the grease product is reused or recycled. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0016 01/12/1996 This letter rescinds letter previous 1/2/92 letter; the xxx solid-liquid separation system does not qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 96-0019 01/16/1996 A kit used to convert an automobile from gasoline power to propane power does not qualify as a pollution control facility. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0078 02/26/1996 A sweeper used to reduce or eliminate air pollution at a carbon plant qualifies as a pollution control facility, and the purchase of such sweeper is exempt from Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0079 02/26/1996 Items that provide structural support for a building that holds fine metal dust as a result of a refining process does not qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0093 02/26/1996 The longstanding position of the Department has been that equipment which confers an economic or commercial benefit to the user is not intended primarily for pollution control purposes. Taxpayers that primarily use tank trailers for economic benefit cannot purchase this equipment tax-free under the pollution control facilities sales tax exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0094 02/26/1996 Generally speaking, truck bed lining systems that are intended primarily for the purpose of eliminating, preventing, or reducing air and water pollution can qualify as a pollution control facility as long as they are used as a barrier to prevent the seepage of potentially harmful solid, liquid, or gaseous pollutants that would be harmful, detrimental or offensive to human, plant or animal life, or property. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0096 02/26/1996 A chemical that is a component part of an integrated process of any system, method, construction, device, or appliance that is primarily intended for any of the purposes listed in Section 130.335 can qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0097 02/26/1996 Manure pits used to treat or convert manure so that it can be used as a fertilizer for cropland do not qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0102 03/04/1996 Ventilation and air conditioning systems normally do not qualify for the pollution control facilities exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

- 96-0116 03/08/1996 Wastewater systems, which use a combination of aeration and aerobic bacteria and chlorination to treat household

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

wastewater, reduce or eliminate pollutants contained in household wastewater and therefore qualify as pollution control facilities. (This is a GIL.)

PUBLIC UTILITY TAXES

96-0022 01/19/1996 The Public Utilities Act provides that whenever "a tax is imposed upon a public utility engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption pursuant to Section 2 of The Public Utilities Revenue Act, such utility may charge its customers....an additional charge equal to the total amount of such taxes. Such additional charge shall be shown separately on the utility bill to each customer." (This is a GIL.)

96-0077 02/26/1996 The Public Utilities Revenue Act provides that gross receipts shall not include receipts from any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer. (This is a GIL.)

RETURNS

96-0006 01/08/1996 Taxpayers may report using either a gross receipts (cash) basis or on a gross sales (accrual) basis. See 86 Ill. Adm. Code 130.401. (This is a GIL.)

96-0140 03/13/1996 A manufacturer, importer, or wholesaler whose products are sold at retail in Illinois by numerous retailers, may assume the responsibility for accounting and paying to the Department all sales tax resulting from such sales. See 86 Ill. Adm. Code 130.550. (This is a GIL.)

ROLLING STOCK EXEMPTION

96-0001 01/31/1996 Forklifts generally do not qualify for the rolling stock exemption. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

96-0025 01/19/1996 In order to qualify for the Rolling Stock exemption, vehicles must move in interstate commerce for hire regularly and frequently. In addition, the carrier must also be recognized as an interstate carrier for hire by the Interstate Commerce Commission, or must certify that it is a type of interstate carrier for hire that is not required by law to have an Interstate Commerce Commission Certificate of Authority. (This is a GIL.)

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

96-0109 03/06/1996 The Retailers' Occupation Tax Act provides an exemption for personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors of such interstate carriers under leases of one year or longer. 35 ILCS 120/2-5(12) (1994 State Bar Edition). The Use Tax Act provides for the same exemption. 35 ILCS 105/3-55 (1994 State Bar Edition). This exemption is available for such tangible personal property as long as so used by the interstate carriers for hire in the qualifying manner prescribed by statute. As soon as the tangible personal property is no longer being used in a qualifying manner, the lessor incurs a Use Tax liability based on the fair market value of the property on the date the qualifying use no longer occurs.

SALE AT RETAIL

96-0048 01/31/1996 This letter discusses the sales tax exemption for occasional dinners, socials or other similar activities conducted by exempt organizations. For purposes of this exemption, "occasional" means not more than twice in any given one-year period. This letter also discusses how an auctioneer acting on behalf of an unknown or undisclosed principal is considered to be the owner of the tangible personal property that will be auctioned and is responsible for paying Retailers' Occupation Tax on the gross receipts from the sale as well as filing a sales tax return of the receipts from the sale. See 86 Ill. Adm. Code 130.110, 130.1915, and 130.2005. (This is a GIL.)

SALE FOR RESALE

96-0008 01/08/1996 Certificates of Resale must contain the information required by 86 Ill. Adm. Code 130.1405.

96-0021 01/18/1996 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the wherewithal to provide suppliers with Certificates of Resale when purchasing items which will be resold. So long as all of a business' sales are for resale, that business can qualify for a resale number and is not required to file tax returns with the Department. Therefore, that business can provide its suppliers with valid Certificates of Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

96-0045 01/29/1996 This letter describes the documentation necessary to establish that a sale was a sale for resale in a standard drop-shipment situation. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

96-0085 02/26/1996 Packaging materials or containers the ownership of

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

\$1.50 which is transferred to a customer together with the ownership of the tangible personal property contained within them qualify for the resale exemption. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

96-0120 03/08/1996 Purchases of plates, silverware, glassware, and other foodservice supplies by caterers are subject to Use Tax and may not be purchased for resale. See 86 Ill. Adm. Code 130.2145. (This is a GIL.)

SERVICE OCCUPATION TAX

96-0015 01/12/1996 Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred as an incident of the sale of service. A serviceman incurs either Service Occupation Tax liability or Use Tax liability in these transactions. His tax liability is dependent upon the method he uses to calculate his liability. He may calculate his tax base in one of four ways: 1. separately stated selling price; 2. 50% of serviceman's entire bill; 3. SOT on his cost price if he is a registered de minimus serviceman; or, 4. Use Tax on his cost price if he is an unregistered de minimus serviceman. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

96-0058 02/06/1996 In a multi-service situation, the primary serviceman's cost price is determined either by the separately stated selling price of the tangible personal property transferred by the secondary serviceman, or if the secondary serviceman does not separately state the cost of goods it is presumed that the primary serviceman's cost price is 50% of the secondary serviceman's total charge. See 86 Ill. Adm. Code 130.1405, 130.2000, 140.101 and 140.301. (This is a GIL.)

96-0065 02/15/1996 Service Occupation Tax is based on the serviceman's selling price of tangible personal property transferred incident to service if that selling price is separately stated on invoices to customers. If the selling price of such items is not separately stated, then the Service Occupation Tax will be based on 50% of the serviceman's entire billing. See 86 Ill. Adm. Code 130.410, 130.1995, 140.101 and 140.301. (This is a GIL.)

96-0087 02/26/1996 This letter sets out the possible tax liabilities incurred by Illinois servicemen. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

96-0112 03/06/1996 Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred as an incident to the sale of service. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

96-0113 03/07/1996 Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred as an incident to the sale of service. (This is a GIL.)

96-0133 03/13/1996 This letter discusses the taxation of maintenance agreements and other service or repair services, including the use of secondary servicemen. (This is a GIL.)

96-0135 03/13/1996 The purchase of tangible personal property that is transferred to the service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax the serviceman's liability is based. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

96-0151 03/29/1996 If no tangible personal property is transferred incident to the sale of service, no sales tax is owed. If, however, tangible personal property is transferred incident to the sale of service, tax is due. See 35 ILCS 115/1, et seq. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

96-0024 01/19/1996 The Illinois Municipal Code authorizes municipalities to impose a tax on telecommunications. (See 65 ILCS 5/8-11-17.) The municipality imposing the tax provides for its administration and enforcement, not the Illinois Department of Revenue. The Emergency Telephone System Act also provides for the imposition of a surcharge by the corporate authorities of a municipality or county. See 50 ILCS 750/15.3. (This is a GIL.)

96-0027 01/19/1996 Under the Telecommunications Excise Tax Act, a tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications by a person in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from a retailer. See 86 Ill. Adm. Code 495.10 through 495.130. (This is a GIL.)

96-0049 01/31/1996 A service provider who links merchants to credit card providers or personal computer users to information service providers (such as America Online or Prodigy) via telephone lines is providing services in connection with originating or receiving telecommunications. Such services are subject to Telecommunications Excise Tax on the charge for the transmission of the data but not subject to tax on the charge for the data processing or inquiry. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

96-0062 02/13/1996 The Illinois Telecommunications Excise Tax is imposed

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

\$1.25 on the act or privilege of originating or receiving interstate and intrastate telecommunications by a person in this State. The fact that persons are exempt from federal taxes on communications services under Internal Revenue Code Section 4251 does not mean that they are exempt from Illinois Telecommunications Excise Tax. (This is a GIL.)

96-0084 02/26/1996 Persons who provide satellite television services, including basic network channels, pay per view movies, concerts and sporting events, are not subject to the Telecommunications Excise Tax based on those activities. See 86 Ill. Adm. Code 150.101, et seq. (This is a GIL.)

96-0121 03/08/1996 Charges by a telecommunications retailer for answering services, when the charges for such services are disaggregated and separately identified from other charges, are not included in the "gross charges" that are subject to Telecommunications Excise Tax liability. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

96-0122 03/08/1996 In a prepaid telephone card program, the Telecommunications Excise Tax is incurred at the time telephone service is used in a taxable manner. The arrangement between the telephone service provider and the retail store will affect the method of tax collection required. (This is a GIL.)

96-0134 03/13/1996 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or receiving intrastate and interstate telecommunications by a person in this State. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

96-0136 03/13/1996 The Department of Commerce and Community Affairs certifies which telephone accounts are not subject to Telecommunications Excise Tax because of the accounts location within an Enterprise Zone. See 35 ILCS 630/2. (This is a GIL.)

96-0141 03/13/1996 Charges for voice-mail services are not subject to Telecommunications Excise Tax if they are disaggregated from any charge that includes a line charge. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

96-0153 03/29/1996 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or receiving intrastate and interstate telecommunications by a person in this State. See 86 Ill. Adm. Code 495.100. (This is a GIL.)

96-0155 03/29/1996 This letter describes the Telecommunications Excise

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

\$2.00 Tax and other taxes which may be of interest to businesses engaging in the sale of pre-paid cellular telephone service in Illinois. (This is a GIL.)

USE TAX

96-0002 12/29/1995 The Illinois Use Tax Act contains a credit provision for taxes which were properly paid to another state with respect to the purchase or use of tangible personal property. See 86 Ill. Adm. Code 150.310(a)(3). (This is a PLR.)

96-0011 01/12/1996 This letter discusses the sales tax exemption for "the use, in this State, of tangible personal property which is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to this sale, purchase or use of such property, to the extent of the amount of such tax properly due and paid in such other state". See 86 Ill. Adm. Code 150.310. (This is a GIL.)

96-0018 01/16/1996 Section 3-55(c) of the Use Tax Act provides that to prevent actual or likely multistate taxation, the Use Tax does not apply to the use, in this State, by owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for hire. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

96-0037 01/29/1996 Retailers shall state the Use Tax, whenever possible and practicable, as a distinct and separate item apart from the selling price of the tangible personal property. See 86 Ill. Adm. Code 150.401. (This is a GIL.)

96-0083 02/26/1996 Illinois has no provision for the return of sales tax paid by foreign visitors. (This is a GIL.)

96-0137 03/13/1996 If a purchaser has purchased tangible personal property and the seller did not collect the Use Tax from the purchaser at the time of sale, the purchaser is required to self-assess the appropriate amount of Use Tax on those purchases and remit that amount directly to the Department. See 86 Ill. Adm. Code 150.401 and 150.701. (This is a GIL.)

96-0152 03/29/1996 A donor that has exercised no power or control over tangible personal property in Illinois has not made any taxable use of the property in Illinois. See 86 Ill. Adm. Code 150.201(a). (This is a GIL.)

VEHICLE USE TAX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

96-0040 01/29/1996 A purchaser of tangible personal property that is required to be registered with the Secretary of State incurs Use Tax on the purchase even if an exempt organization is listed as a co-owner. See 86 Ill. Adm. Code 130.2005 and 130.2007. (This is a GIL.)

96-0101 03/04/1996 Section 3-1001 of the Motor Vehicle Code, 625 ILCS 5/3-1001 (1994 State Bar Edition), provides a flat tax rate of \$15 for each motor vehicle acquired in a transaction when a motor vehicle, which has once been subjected to the Retailers' Occupation Tax or Use Tax is transferred in connection with the organization, reorganization, dissolution, or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed. (This is a GIL.)

96-0105 03/04/1996 Section 3-1001 of the Illinois Vehicle Code, 625 ILCS 5/3-1001 (1994 State Bar Edition), imposes a tax upon the privilege of using in this State any motor vehicle as defined in Section 1-146 of the Code acquired by gift, transfer, or purchase. As a result, a mechanic lienholder would be assessed tax when transferring the title of a vehicle into his or her own name. (This is a GIL.)

96-0114 03/08/1996 An auto mechanic who does not hold himself out to the public as a retailer of vehicles cannot register with the Department as a retailer engaged in the business of selling vehicles. Therefore, the mechanic cannot purchase vehicles for resale and he must pay Vehicle Use Tax when titling a vehicle in his name. (This is a GIL.)

96-0119 03/08/1996 A Vehicle Use Tax of \$15 applies when a motor vehicle which has once been subject to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed. See 625 ILCS 5/3-1001. (This is a GIL.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

2) Code Citation: 17 Ill. Adm. Code 530

3) The Notice of Proposed Amendments being corrected appeared at: 20 Ill Reg. 7483, dated May 30, 1996

4) The information being corrected is as follows:

A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow for controlled pheasant site permits to be transferred to another person at Site M, Sand Ridge, and Wayne Fitzgerald; provide for date changes to conform to 1996 calendar days; establish controlled pheasant season length and give Director discretion to open sites on Mondays and Tuesdays; modify youth hunt time to avoid other site conflicts; and change names of Railsplitter and Pike County Conservation Area.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 28, 1996 through June 3, 1996 and have been scheduled for review by the Committee at its June 25, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/3/96	Department of Insurance, Preferred Provider Program Administrators (50 Ill Adm Code 2051) This rulemaking was omitted in error from the 5/24/96 Second Notice list.	3/8/96 20 Ill Reg 4025	6/25/96
7/11/96	Department of Labor, Personnel Records Review Act (56 Ill Adm Code 355)	3/1/96 20 Ill Reg 3729	6/25/96
7/11/96	Department of Natural Resources, Surface Mined Land Conservation and Reclamation Act (62 Ill Adm Code 300)	3/15/96 20 Ill Reg 4199	6/25/96
7/11/96	Department of Children and Family Services, Placement and Visitation Services (89 Ill Adm Code 301)	7/21/95 19 Ill Reg 10349	6/25/96
7/12/96	Department of Children and Family Services, Client Service Planning (89 Ill Adm Code 305)	7/7/95 19 Ill Reg 8821	6/25/96
7/12/96	Department of Professional Regulation, Controlled Substance Act (77 Ill Adm Code 3100)	4/12/96 20 Ill Reg 5425	6/25/96
7/12/96	Department of Professional Regulation, Optometric Practice Act of 1987 (68 Ill Adm Code 1320)	4/12/96 20 Ill Reg 5430	6/25/96
7/12/96	Department of Insurance, Pre-Licensing and Continuing Education (50 Ill Adm Code 3119)	3/15/96 20 Ill Reg 4173	6/25/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Department of	Central Management Services, Pay Plan (80 Ill Adm Code 310)	4/12/96 20 Ill Reg 5405	6/25/96
7/13/96	Department of Revenue, Motor Fuel Tax (86 Ill Adm Code 500)		4/5/96 20 Ill Reg 5311	6/25/96
7/13/96	Department of Revenue, Tobacco Products Tax Act of 1995 (86 Ill Adm Code 660)		4/5/96 20 Ill Reg 5317	6/25/96
7/14/96	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)		4/12/96 20 Ill Reg 5470	6/25/96
7/14/96	Department of Insurance, Repeal of Preferred Provider Program Administrators (50 Ill Adm Code 6501) This rulemaking was listed in error on the 5/24/96 Second Notice list.		3/1/96 20 Ill Reg 3677	6/25/96
7/17/96	Illinois Student Assistance Commission, Grant Program for Dependents of Correctional Officers (23 Ill Adm Code 2731)		3/22/96 20 Ill Reg 4572	6/25/96
7/17/96	Illinois Student Assistance Commission, Police Officer/Fire Officer Survivor Grant Program (23 Ill Adm Code 2732)		3/22/96 20 Ill Reg 4580	6/25/96

PROCLAMATIONS

96-236

CFIDS AWARENESS DAY

Whereas, the Chronic Fatigue Immune Dysfunction Wellness Group of Champaign-Urbana, Illinois, joins the CFIDS Association of America in observing May 12, 1996, as Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) is a complex illness which affects many different body systems and is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue and numerous other symptoms that last for many months or years and can be severely debilitating; and

Whereas, conservative estimates suggest that hundreds of thousands of American adults and children have CFIDS, and the Center for Disease Control estimates that between 76 and 220 cases exist per 100,000 people; and

Whereas, it is imperative that education and training of health professionals regarding CFIDS be expanded and that there be greater public awareness of this serious health problem; and

Whereas, although research efforts at the Center for Disease Control, the National Institutes of Health and other private research institutions have strengthened, the CFIDS Wellness Group of Champaign-Urbana, Illinois, recognizes that much more must be done to encourage further research so that the mission we share with the CFIDS Association of America -- "to conquer CFIDS and related disorders..." -- can be achieved;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1996, as CFIDS AWARENESS DAY in Illinois and applaud those battling the illness.

Issued by the Governor May 16, 1996.

Filed by the Secretary of State May 24, 1996.

96-237

NATIONAL ASSOCIATION OF INSURANCE WOMEN'S WEEK

Whereas, professional insurance women make a significant contribution to the risk and insurance industry; and

Whereas, they are increasingly effective locally and statewide in promoting public awareness of important issues such as tort reform, automobile safety, and drunk driving; and

Whereas, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

Whereas, professional insurance women are working effectively on a national level as the National Association of Insurance Women (International), which has reached a membership of more than 15,000; and

Whereas, these insurance professionals have earned recognition for their outstanding accomplishments in the economically vital insurance industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19-25, 1996, as NATIONAL ASSOCIATION OF INSURANCE WOMEN'S WEEK in Illinois in honor of their important and diverse roles throughout the risk and insurance industry.

Issued by the Governor May 16, 1996.

Filed by the Secretary of State May 24, 1996.

96-238

SHARED HOUSING WEEK

Whereas, shared housing, an innovative option that brings unrelated individuals together to share houses or apartments, provides an affordable alternative to the typical group living environment for thousands of Illinoisans; and

Whereas, shared housing allows people of all ages, particularly older adults and disabled individuals, to remain in their own communities with security, self-assurance and contentment; and

Whereas, the home owners who share their residence and those who come to live within the home, benefit economically, feel more secure, receive help with everyday chores and personal care and gain new support that allows one or both to continue an independent, productive lifestyle; and

Whereas, shared housing benefits society by reducing the need for Medicaid-subsidized institutionalization and the demand for subsidized housing, while providing better quality of life for all participants; and

Whereas, shared housing programs are sponsored by recognized community-based, non-profit social service, health and welfare organizations which carefully screen and monitor home matches to insure compatibility; and

Whereas, citizens should recognize the need to promote shared housing programs to increase public awareness of this unique housing option;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19-25, 1996, as SHARED HOUSING WEEK in Illinois.

Issued by the Governor May 16, 1996.

Filed by the Secretary of State May 24, 1996.

96-239

EMERGENCY MEDICAL SERVICES WEEK

Whereas, Emergency Medical Services (EMS) embodies the true concept of teamwork by recognizing the interdependent relationship of trauma centers, EMS resource hospitals, ambulance services, emergency/trauma physicians, emergency nurses, emergency medical technicians (EMTs), EMT-paramedics, EMT-intermediates, field RNs, mobile intensive care nurses, trauma nurse specialists, emergency dispatchers, and first-responders who are dedicated to saving lives; and

Whereas, in Illinois 58 EMS resource hospitals, more than 22,000 EMTs and 6,000 paramedics selflessly provide 24-hour service to the people of our state; and

Whereas, this years national theme, "EMS: It's Up to You," underlines the symbolism of the Star of Life insignia on EMS vehicles and illustrates the relationship of all EMS personnel;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19-25, 1996, as EMERGENCY MEDICAL SERVICES WEEK in Illinois and commend all individuals involved in emergency medical services.

Issued by the Governor May 17, 1996.

Filed by the Secretary of State May 24, 1996.

96-240

GERALD AND FRANCES ZEIGLER DAY

Whereas, Gerald Zeigler was born May 4, 1916, in Springfield, the son of John and Agnes Zeigler, and Frances Pierce was born May 8, 1919, in Springfield, the daughter of Chester and Anna Pierce; and
Whereas, the two eventually met, fell in love and made arrangements to get married upon the completion of Gerald's courageous service in World War I; and

Whereas, Gerald and Frances were happily married on May 18, 1946, and established roots for the Zeigler family in Springfield; and

Whereas, they were blessed with four children: Kathy (October 21, 1947); Jim (April 17, 1951); Mary (April 12, 1954); and Janet (November 8, 1958); and
Whereas, Gerald worked for the family-owned construction business; and

Whereas, Frances worked for Sangamon County and later for the State of Illinois; and

Whereas, they eventually became the proud grandparents of five grandchildren: Michael, Jeff, Brooke, Matthew and Kara; and

Whereas, after much hard work, devotion and many years of building wonderful family memories, they will celebrate their 50th anniversary on May 18, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18, 1996, as GERALD AND FRANCES ZEIGLER DAY in Illinois.
Issued by the Governor May 17, 1996.

Filed by the Secretary of State May 24, 1996.

96-241

MARK DILLEFELD DAY

Whereas, Mark Dillefeld has served as Scoutmaster of Troop 124 in Canton, Illinois, for more than two decades; and

Whereas, Mark Dillefeld excelled in the scouting program as a youth as both a Cub Scout and Boy Scout; and

Whereas, Mark Dillefeld's father also served as Scoutmaster of Troop 124;

Whereas, Mark Dillefeld has been recognized by the Spoon River District with the District Award of Merit; and

Whereas, Mark Dillefeld has been recognized by the W.D. Boyce Council with the Silver Beaver Award for his numerous contributions to the Scouting program; and

Whereas, Mark Dillefeld has served as Jamboree Scoutmaster for the W.D. Boyce Council as well as contingent leader at Philmont Scout Ranch; and

Whereas, over the past two decades, Mark has influenced countless young people as they progressed through the ranks of scouting and prepared them for life's personal and professional challenges; and

Whereas, today is particularly notable for the entire Dillefeld family since Mark's son, Luke Dillefeld is being awarded the rank of Eagle Scout and Mark Dillefeld is culminating his position of Scoutmaster of Troop 124; and

Whereas, Mark Dillefeld, through his many contributions to our young people, makes Illinois a place we are proud to call home;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18, 1996, as MARK DILLEFELD DAY in Illinois in recognition and appreciation of

his many contributions to the Boy Scouts of America.
Issued by the Governor May 17, 1996.
Filed by the Secretary of State May 24, 1996.

96-242

WEEK OF THE HIGH RISK CHILD

Whereas, the week of May 20-24, 1996, is being highlighted as the "Week of the High Risk Child -- 1996," and

Whereas, the purpose of the week is to identify populations at risk, to motivate teens and develop their leadership potential, to inform parents and move them toward self-sufficiency, to improve networking, coordination, and communication among human service agencies and professionals serving children, and to advocate for quality prevention and follow-up services for youth; and

Whereas, the Children and Adolescents Forum and Beatrice Caffrey Youth Services, Inc. are the non-profit co-sponsors of the week and have served children for more than 60 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20-24, 1996, as WEEK OF THE HIGH RISK CHILD in Illinois.

Issued by the Governor May 17, 1996.

Filed by the Secretary of State May 24, 1996.

96-243

ABRAHAM LINCOLN ELEMENTARY SCHOOL MONTH

Whereas, Abraham Lincoln Elementary School opened its doors in 1871 and has since had a firm commitment to prepare its students to take their place as productive citizens; and

Whereas, the school has played an important role in the educational development of Chicago and it was designated as an International Baccalaureate Preparatory School in 1981; and

Whereas, Abraham Lincoln Elementary School was recently commended for achieving Exemplary Status in the Illinois State Board of Education accreditation process; and

Whereas, the school provides a challenging curriculum for its students as well as programs for gifted students and those with disabilities; and

Whereas, Abraham Lincoln Elementary School will celebrate its 125th anniversary this year, including celebrations on May 19 and May 24;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as ABRAHAM LINCOLN ELEMENTARY SCHOOL MONTH in Illinois in honor of this fine school and its dedication to its students and to the community.
Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 24, 1996.

96-244

ALL AMERICAN DAY

Whereas, the U.S. Army Aviation and Troop Command (ATTCOM) is celebrating its 5th Annual All American Day Observance; and

Whereas, festivities embrace the talent of the citizens in our community through artistic and cultural expression; and

Whereas, this year's theme is "All American, All Year long" which implies

that we are Americans all year long and should respect cultural diversity as the source that holds society together; and

Whereas, the workplace, being of a diversified representation to include all races and cultures, provides an unparalleled depiction of professional opportunities; and

Whereas, on June 26, 1996, the U.S. Army Aviation and Troop Command located in St. Louis, Missouri, will officially commemorate All American Day in recognition of the diversity of its workforce and their contribution to the mission;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26, 1996, as ALL AMERICAN DAY in Illinois.

Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 24, 1996.

96-245

ASIAN AMERICAN HERITAGE MONTH

Whereas, the Asian American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and

Whereas, the achievements of Asian Americans have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, education, government, law, industry, commerce, medicine, science, and technology, thus having contributed to the quality of life for Asian Americans and non-Asians alike; and

Whereas, Asian Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

Whereas, the Asian American community is visible and active as its members made significant strides toward full participation and equal opportunity in all walks of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as ASIAN AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to our great state.

Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 24, 1996.

96-246

ELECTRICAL SAFETY MONTH

Whereas, hundreds of people die or are injured from electrical hazards each year; and

Whereas, estimated deaths from residential electrical fires are almost 700 annually; and

Whereas, property damages due to electrical fires amount to over \$1.2 billion each year; and

Whereas, electrocution deaths have steadily declined by 48 percent since 1981 from 480 to 250 in 1992; and

Whereas, consumers are encouraged to check their home and workplaces for possible electrical hazards; and

Whereas, consumers also are encouraged to check the batteries of their

Smoke detectors at least annually to make sure they are working properly; and

Whereas, the efforts of the National Electrical Safety Foundation, the U.S. Consumer Product Safety Commission and the U.S. Occupational Safety and Health Administration are to promote and educate the public about the importance of practicing electrical safety in both their homes and workplaces;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1996 as ELECTRICAL SAFETY MONTH in Illinois.

Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 24, 1996.

96-247

SAFE BOATING WEEK

Whereas, in recognizing that hundreds of lives could be saved each year by the wearing of life jackets; and

Whereas, the law requires that wearable life jackets be carried for each person on board the boat; and

Whereas, approximately 65 percent of the people who died in boating accidents in 1995 were not wearing life jackets;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-24, 1996, as SAFE BOATING WEEK in Illinois and urge those who boat to wear their life jackets and practice safe boating.

Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 21, 1996.

96-248

SAVE A LIFE WEEK

Whereas, training in life-saving first aid and Cardiopulmonary Resuscitation (CPR) can significantly reduce death and disabling injuries; and

Whereas, Save A Life Foundation's mission is to promote training in lifesaving techniques; and

Whereas, the Chain of Survival would be strengthened and many lives saved if bystanders or family members performed simple life-saving first aid or CPR prior to the arrival of Emergency Medical Services (EMS) professionals; and

Whereas, many Illinois hospitals, fire departments and other agencies will open their doors to provide life-saving first aid information to their communities May 19-25, 1996, in conjunction with EMS week activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 19-25, 1996, as SAVE A LIFE WEEK in Illinois.

Issued by the Governor May 20, 1996.

Filed by the Secretary of State May 24, 1996.

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED					
2-565-23	86-110-21,22	14-140-24	56-5300-24	89-302-20	
8-125-20	86-130-15,16,24	14-145-24	59-101-24	89-335-24	
11-313-17	86-500-14	14-150-20	59-111-15	89-572-18	
11-510-24	86-660-14	14-160-20	68-600R-15	89-590-18,	
17-530-22	86-3000-24	14-170-20	68-1150-24	89-590R-19	
17-550-18	89-102-23	14-178-20	68-1270-16	89-676-18	
17-570-17	89-112-17	14-180-20	68-1285-24	89-679-18	
17-590-24	89-115-15	17-130-20	68-1295-15	89-682-18	
17-680-17	89-121-15,17	17-210-20	68-1380-19	89-895R-18	
17-685-22	89-140-15	17-650-22	68-1400-24	92-107-19	
17-690-17	89-144-15,21	17-660-20	68-1450-19	92-171-19	
17-715-18	89-160-21	17-670-20	68-1455-19	92-172-19	
17-720-18	89-170-17	17-1090-20	77-475-20	92-173-19	
17-730-17	89-240-14,20	17-1538-16	77-598-17	92-177-19	
17-740-17	89-385-14	17-2030-24	77-670-22	92-178-19	
17-2650-20	89-401-14	20-107-20	77-692-22	92-179-19	
23-226-18	89-402-14	20-801-20	77-820-20	92-180-19	
23-2310-15	89-403-14	20-1280-24	77-1400-16	92-1070-24	
23-2721-24	89-404-14	20-1282-24	80-1200-21		
26-207-16	89-405-14	23-1-18	80-1210-21	EMERGENCY	
35-184-15	89-406-14	23-1400-18	80-1220-21	8-85-19	
35-310-18	89-408-14	23-3040-16	80-1540-24	23-650-18	
35-607-18	89-410-14	32-320-20	80-2800-21	23-2721-24	
38-130-16	89-682-14	32-505-19	80-2850R-24	56-2520-13	
38-900-14	89-787R-14	32-601-20	80-3000-21	80-150-24	
44-1-13	92-10-21	35-211-23	83-725R-14	86-110-22	
50-2001-14	92-556-20	35-212-23	83-725-14	86-3000-24	
56-2600-22	92-1010-15,19	35-302-23	86-100-20	89-144-21	
56-2625-24	92-1020-15	35-307-15	86-130-14,20	89-240-14	
59-101-21	ADOPTED	35-309-15	86-140-14,20		
68-1220-20	2-1350-20	35-310-15	86-150-20	PEREMPT.	
68-1283-19	2-2075-22	35-809-15	86-160-20	80-310-18,21	
68-1320-15	2-2500-21	38-110-16	86-1201-24		
68-1360-20	2-2501-21	38-190-16	86-3000-16,18		
68-3100-15	8-281-15	38-205-16	89-104-15		
77-2056R-21	8-285R-15	44-1050R-20	89-112-15,17,		
77-2057-21	8-505R-15	47-110-24	19,24		
77-2060-21	11-205-24	50-916-20	89-117-15		
80-310-14,15	11-208-24	50-2008-19	89-121-24		
83-757-24	11-321-16	50-2801-16	89-140-16,20,24		
86-100-17	11-410R-24	50-6302-16	89-144-20		
	11-1320-16	56-250-19	89-147-20		
	11-1431-16	56-350-21	89-148-24		
	14-135-24	56-2520-18	89-160-15		
		56-2725-19	89-170-15,17,19		

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